

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Time Warner Cable)	
)	File No. CSR-8578-C
Petition for Finding of Bad Faith)	
Retransmission Consent Negotiations)	MB Docket No. 12-15
)	
KVOA Communications, Inc.)	
KRIS-TV, Corpus Christi, Texas)	

**OPPOSITION AND ANSWER OF TIME WARNER CABLE INC. TO PETITION FOR
FINDING OF BAD FAITH RETRANSMISSION CONSENT NEGOTIATIONS**

Steven N. Teplitz
Cristina Pauzé
TIME WARNER CABLE INC.
901 F Street, NW
Suite 800
Washington, DC 20004

Marc Lawrence-Apfelbaum
Jeff Zimmerman
Julie P. Laine
TIME WARNER CABLE INC.
60 Columbus Circle
New York, NY 10023

February 1, 2012

Matthew A. Brill
Matthew T. Murchison
Amanda E. Potter
LATHAM & WATKINS LLP
555 Eleventh Street, NW
Suite 1000
Washington, DC 20004

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Time Warner Cable Inc. (“TWC”) hereby responds to the Petition for Finding of Bad Faith Retransmission Consent Negotiations filed on January 12, 2012, by KVOA Communications, Inc., also known as Cordillera Communications, Inc. (“Cordillera”).¹

INTRODUCTION

Cordillera’s complaint is frivolous and should be summarily dismissed. It is riddled with false allegations, material omissions, and mischaracterizations, and utterly fails to establish that TWC has violated any of the Commission’s good faith rules. In fact, Cordillera’s dispute with

¹ Petition for Finding of Bad Faith Retransmission Consent Negotiations, *Time Warner Cable, Petition for Finding of Bad Faith Retransmission Consent Negotiations, KVOA Communications, Inc., KRIS-TV, Corpus Christi, Texas* (filed Jan. 12, 2012) (“Complaint”). Although Cordillera styled its pleading as a “petition,” Section 76.65 of the Commission’s rules specifies that a party must file a “complaint” in order to pursue claims under the good faith negotiation rules. 47 C.F.R. § 76.65(c). TWC accordingly is responding to Cordillera’s pleading as if it were styled as a complaint. However, because Cordillera failed to set forth its factual allegations in numbered paragraphs and instead interspersed its allegations with legal arguments, it would be impracticable for TWC to admit or deny each factual allegation individually. TWC thus responds to Cordillera’s factual allegations with a general denial as permitted under the Commission’s rules, *see id.* § 76.7(b)(2)(iv), and provides its own recitation of the relevant factual background herein.

TWC merely highlights Cordillera's *own* anticompetitive conduct and warrants an investigation into its violations of the Communications Act and the Commission's rules.

As discussed below, the facts show that TWC's conduct throughout its negotiations with Cordillera has been entirely consistent with the Commission's good faith standards. In summary, contrary to Cordillera's assertions:

- TWC has negotiated extensively with Cordillera on price and other terms in an effort to reach an agreement for consent to retransmit the stations owned by Cordillera in Corpus Christi, TX: KRIS-TV (NBC), KRIS-DT2 (CW), KAJA (Telemundo), and KDF (independent). TWC pursued these negotiations even though Cordillera initially sought an increase in compensation of over 700% from 2011 to 2012, and then persisted in seeking unreasonable increases in rates. And Cordillera has sought these massive price hikes despite airing programming that is available at no cost to TWC subscribers via other means and that is measurably less popular than the programming aired by many competing stations.
- The facts also show that TWC, not Cordillera, proposed an extension that would have allowed carriage well into the new year, and that it was Cordillera, not TWC, that opted for a shorter extension and then declined to grant retransmission consent on mutually acceptable terms beyond December 12, 2011. While Cordillera would have preferred to time the expiration of retransmission consent to coincide with major sporting events to maximize its leverage, nothing in the Commission's rules remotely requires a party to assent to such transparent manipulation.
- TWC's most recent offer, in which TWC renewed its attempts to balance price and non-price terms to find an agreement acceptable to both sides, was by no means "punitive." Instead, the offer represented a sincere effort to accommodate Cordillera's stated goals while achieving a long-term relationship that TWC believes would serve the best interest of its customers.

In light of these facts, Cordillera cannot prevail on its good faith claims, under either the Commission's *per se* rules or the "totality of the circumstances" standard. The *per se* rules cited by Cordillera, which bar entities from refusing "to negotiate retransmission consent" or refusing "to respond to a retransmission consent proposal of the other party," plainly have no application here, where TWC has submitted no fewer than *eight* formal written offers (along with scores of phone conversations and e-mail exchanges to discuss the parties' positions) over the course of

negotiations. Nor has Cordillera remotely explained how TWC is acting anticompetitively or otherwise in bad faith under the “totality of the circumstances” test. Contrary to the suggestion in the complaint, the “totality of the circumstances” test does not compel TWC to capitulate to Cordillera’s every demand; rather, as discussed below, the test requires the same “sincere desire” to reach a *mutually* acceptable agreement that has typified TWC’s approach to these negotiations.

Cordillera’s complaint not only is frivolous, but deeply ironic. While TWC has been a leading advocate for reforming the broken retransmission consent system—arguing for deregulation that eliminates the many broadcaster preferences that skew negotiations, or alternatively for a new rate-setting process and other safeguards to protect consumers from broadcasters’ brinkmanship tactics²—Cordillera and its representatives have argued that the Commission should (indeed, *must*, as a legal matter) refrain from intervening in the increasingly contentious pricing disputes between stations and MVPDs.³ Yet now that Cordillera has met some resistance to its unreasonable compensation demands, it argues that the Commission effectively should *compel* TWC to offer more money based on Cordillera’s unilateral assertions that supposed “marketplace” conditions establish an entitlement to dramatic price increases.

² See Comments of Time Warner Cable Inc., MB Docket No. 10-71, at 21-31, 38-44 (filed May 27, 2011) (“TWC Retrans NPRM Comments”); Reply Comments of Time Warner Cable Inc., MB Docket No. 10-71, at 11-22, 32-35 (filed Jun. 27, 2011) (“TWC Retrans NPRM Reply Comments”).

³ See Comments of Cordillera Communications, MB Docket No. 10-71, at 2-3 (filed May 27, 2011) (“Greater government intervention is bad public policy and would produce poorer choices for consumers. . . . Efforts to gain the favor of key government regulators necessarily distracts [sic] both sides from the most important task at hand: negotiating with each other in good faith.”); Comments of National Association of Broadcasters, MB Docket No. 10-71, at 9 (filed May 27, 2011) (arguing that “even the prospect of government intervention introduces uncertainty and distorts incentives in ways that can disrupt the bargaining process and make it more difficult to achieve efficient agreements”) (internal quotation marks, citations, and alterations omitted).

Even apart from Cordillera's sudden abandonment of its *laissez faire* view of the Commission's role, Cordillera's basic premise is false: the good faith rules plainly do not require an MVPD to pay whatever amount a broadcaster asserts to be "fair" or "market-based." In fact, the rules do not require MVPDs to pay broadcasters at all. To the contrary, the Commission has concluded that the particular pricing levels offered by parties in retransmission consent negotiations are simply irrelevant under the existing good faith rules.⁴ Therefore, Cordillera's claim that it is entitled to an even greater increase in retransmission consent fees than the substantial price hike TWC has offered is not legally cognizable. Indeed, to the extent that Cordillera's price demands have any relevance here, they only confirm that Cordillera's complaint is fundamentally at odds with congressional intent.⁵

⁴ See *Implementation of the Satellite Home Viewer Improvement Act of 1999; Retransmission Consent Issues: Good Faith Negotiation and Exclusivity*, First Report and Order, 15 FCC Rcd 5445 ¶ 14 (2000) ("*Good Faith Order*") ("We do not interpret the good faith requirement . . . [to] require that the Commission assume a substantive role in the negotiation of the terms and conditions of retransmission consent."); *id.* ¶ 18 (citing legislative history indicating that the good faith requirement does not "subject the prices or other terms and conditions of nonexclusive retransmission consent agreements to [Commission] scrutiny") (internal quotation marks omitted); *id.* ¶ 32 ("We do not intend the totality of the circumstances test to serve as a 'back door' inquiry into the substantive terms negotiated between the parties."). See also *Amendment of the Commission's Rules Related to Retransmission Consent*, Notice of Proposed Rulemaking, 26 FCC Rcd 2718 ¶ 18 (2011) (asserting that the Commission's authority to intervene in rate disputes is very limited).

⁵ While TWC has argued (and continues to believe) that the Commission should take a more active role in setting retransmission rates to the extent necessary to protect consumers from excessive demands by broadcasters, it would turn the statute on its head to force an MVPD to pay *more* than it deems reasonable to obtain retransmission consent from a given station—and particularly to pay the sort of massive increase Cordillera seeks here. See 47 U.S.C. § 325(b)(3)(A) (directing the Commission to consider "the impact that the grant of retransmission consent by television stations may have on the rates for the basic service tier" and to make sure that its rules are consistent with its obligation "to ensure that the rates for the basic service tier are *reasonable*") (emphasis added).

Not only has Cordillera inverted the good faith rules by attempting to extract unreasonable compensation for the carriage of its broadcast signals, but its efforts to suppress competition among supposedly competing stations in Corpus Christi constitute additional evidence of its bad faith. As discussed in greater detail below, Cordillera is using a shared services agreement (“SSA”) to facilitate collusion between KRIS, the NBC affiliate at the heart of this dispute, and KZTV, the CBS affiliate owned by Cordillera’s nominal competitor, SagamoreHill. Anticompetitive behavior is nothing new to these stations; they were investigated and then sued by the Department of Justice in 1996 for conspiring to withhold retransmission consent from local cable operators in violation of the Sherman Act. The Commission thus should not stop at simply denying Cordillera’s frivolous complaint; it should open an investigation into Cordillera’s anticompetitive conduct and take appropriate action in response to Cordillera’s violation of various Commission rules.

FACTUAL BACKGROUND

A. Early Negotiations Were Marred by Cordillera’s Demands for Unreasonable Fee Increases.

Cordillera’s complaint grossly mischaracterizes the series of events that led to the parties’ dispute. Cordillera’s initial offer, which it claims was “consistent with the rates local NBC affiliates are receiving in comparable markets,”⁶ in fact demanded a rate for 2012 that far exceeded the rates TWC had agreed to pay to other broadcast stations, and was more than 700% higher than the amount that TWC paid KRIS in 2011.⁷ Indeed, this figure actually understates the dramatic increase in compensation sought by Cordillera. The parties’ prior arrangement

⁶ Complaint at 3.

⁷ See E-mail from Susan Kleckner, TWC, to Tim Noble, Cordillera, Oct. 27, 2011. TWC has attached this and all other e-mails cited in this filing (with appropriate redactions to preserve the confidentiality of proposed business terms) in Exhibit A hereto.

consisted of TWC’s commitment to purchase advertising, with TWC receiving offsetting marketing value in return for payment; this time around, Cordillera’s cash demand would not deliver any marketing benefit to TWC. Cordillera made this initial offer less than a week before the original expiration date of October 31, 2011, despite TWC’s repeated requests for an earlier offer and its consistent expressions of concern that Cordillera’s unwillingness to engage would threaten service disruptions.⁸

Two days later, TWC responded with a counteroffer that itself would have more than doubled the rate for KRIS.⁹ In its response, TWC pointed out that Cordillera’s rate demands represented a substantial departure from the parties’ existing arrangement as well as from TWC’s more recent retransmission consent deals with other stations.¹⁰ TWC also reminded Cordillera that an extension would be necessary to conclude a new agreement without any disruption to consumers,¹¹ and the two sides agreed to an extension to November 30, 2011.¹² But the extension was far from the “no strings attached” deal that Cordillera portrays in its complaint; instead, Cordillera conditioned the extension on the requirement that any compensation obligation under a new deal would apply retroactively to November 1, 2011.¹³

Cordillera made minimal concessions over the course of negotiations in November. The complaint misleadingly alleges that Cordillera “cut[] its total compensation request by over 30%

⁸ See, e.g., E-mail from Susan Kleckner to Tim Noble, Oct. 18, 2011 (explaining that TWC was “very concerned” that the expiration of KRIS’s grant of retransmission consent was approaching without a renewal offer from Cordillera); see also E-mail from Tim Noble to Susan Kleckner, Oct. 25, 2011 (sending Cordillera’s “primary deal points” to TWC less than one week before the expiration of the parties’ agreement).

⁹ See E-mail from Susan Kleckner to Tim Noble, Oct. 27, 2011.

¹⁰ *Id.*

¹¹ *Id.*

¹² See E-mail from Tim Noble to Susan Kleckner, Oct. 28, 2011.

¹³ *Id.*

by the end of November.”¹⁴ In actuality, Cordillera’s movement on its proposed rates for KRIS was nowhere near 30 percent, and the rates continued to be several times higher than TWC’s current payment.¹⁵ All this time, TWC continued to offer good faith concessions on price and non-price terms in an effort to reach a deal, despite its view that those concessions were unwarranted.¹⁶

B. Cordillera Rejected a Longer Extension and Withdrew Retransmission Consent.

With the extended expiration deadline again looming, TWC inquired about the possibility of another extension on November 28, 2011.¹⁷ In response, Cordillera’s negotiator agreed in principle to an extension, but said “I am going to step back on a counter at this time.”¹⁸ TWC warned Cordillera that its decision not to respond to TWC’s latest proposal could jeopardize their ability to reach a deal in time to avoid a service disruption.¹⁹ Then, in a move clearly calculated to take advantage of several major sporting events scheduled to be broadcast on NBC at the beginning of the year, Cordillera proposed that the next extension should expire on December 31, 2011, under the pretext that it would allow the parties to get “a better sense” of the pricing environment.²⁰ Eager to get a deal done, TWC replied that it had already reached agreements with hundreds of stations over the past few years and was ready and willing to continue

¹⁴ Complaint at 3.

¹⁵ See E-mail from Tim Noble to Susan Kleckner, Nov. 8, 2011; E-mail from Tim Noble to Alexis Johnson, Nov. 30, 2011.

¹⁶ See, e.g., E-mail from Alexis Johnson to Tim Noble, Nov. 18, 2011. Cordillera’s assertion that one of TWC’s counteroffers involved a “penny” increase, Complaint at 3, conveniently omits the fact that they were pennies on top of tripling the prior compensation.

¹⁷ See E-mail from Alexis Johnson to Tim Noble, Nov. 28, 2011.

¹⁸ See E-mail from Tim Noble to Alexis Johnson, Nov. 28, 2011.

¹⁹ See E-mail from Alexis Johnson to Tim Noble, Nov. 29, 2011.

²⁰ See E-mail from Tim Noble to Alexis Johnson, Nov. 29, 2011.

negotiations in good faith.²¹ TWC accordingly offered Cordillera two counterproposals for an extension: either an extension through December 12, 2011, in an effort to reach an agreement quickly, or an extension to March 30, 2012—which would have moved the parties beyond the Super Bowl and the February 2012 sweeps period—if Cordillera was not prepared to complete the negotiations in the near term.²² Cordillera opted for the shorter December 12, 2011 extension.²³

The parties exchanged numerous counteroffers over the next two weeks and negotiated up to the deadline on December 12.²⁴ But the parties remained far apart on key price and non-price terms, and because Cordillera would not accept TWC’s proposal for an extension into the new year—and thereby declined to provide retransmission consent for carriage beyond December 12—TWC was required to discontinue retransmission of the Cordillera stations on TWC’s systems at midnight on that date. Contrary to Cordillera’s assertions, TWC simply did not “refuse to negotiate” after the December 12 expiration date.²⁵ Rather, on December 15, 2011, TWC reached out to Cordillera to resume discussions.²⁶ TWC then made a written offer to Cordillera on December 19,²⁷ to which Cordillera responded on December 21.²⁸ Negotiators for

²¹ See E-mail from Alexis Johnson to Tim Noble, Nov. 30, 2011.

²² *Id.*

²³ See E-mail from Tim Noble to Alexis Johnson, Nov. 30, 2011.

²⁴ See, e.g., E-mail from Tim Noble to Alexis Johnson, Dec. 8, 2011; E-mail from Alexis Johnson to Tim Noble, Dec. 8, 2011.

²⁵ Complaint at 4.

²⁶ See E-mail from Alexis Johnson to Tim Noble, Dec. 15, 2011.

²⁷ See E-mail from Alexis Johnson to Tim Noble, Dec. 19, 2011.

²⁸ See E-mail from Tim Noble to Alexis Johnson, Dec. 21, 2011.

TWC and Cordillera continued to engage in negotiations by phone and over email during the holidays.²⁹

On January 9, 2012, TWC presented Cordillera with a new offer.³⁰ TWC prefaced its offer by noting that while “TWC remains very interested in reaching a retransmission consent agreement for carriage of the KRIS stations,” Cordillera’s “demands to this point have been unrealistic.”³¹ TWC also pointed out that “[d]uring this retransmission consent cycle alone, we have agreed to financial terms for carriage of dozens of Big 4 stations,” and that “[i]n no instance have we agreed to rates that reach what you last proposed.”³² The offer that then followed was by no means “punitive.” TWC’s proposed increases in retransmission consent fees were in line with the earlier movements of both parties over the past three months. Moreover, TWC’s proposals on non-price terms were designed to balance out the higher prices it was being asked to pay, and were entirely consistent with TWC’s positions throughout the negotiations. Cordillera responded with a counteroffer on January 10, 2012, declaring that it was “running out of room to negotiate further.”³³ Two days later, Cordillera filed this complaint.³⁴

²⁹ See, e.g., E-mail from Tim Noble to Alexis Johnson, Dec. 29, 2011 (noting phone conversation about deal); E-mail from Tim Noble to Alexis Johnson, Jan. 4, 2012 (referencing ongoing negotiations about ad deal).

³⁰ See E-mail from Alexis Johnson to Tim Noble, Jan. 9, 2012.

³¹ *Id.*

³² *Id.*

³³ See E-mail from Tim Noble to Alexis Johnson, Jan. 12, 2012.

³⁴ Since Cordillera initiated this proceeding by filing its complaint, TWC has continued to engage Cordillera in negotiations relating to both sides’ pending offers—contrary to the baseless assertions in Cordillera’s so-called “Supplement to the Record.” See Letter of Michael D. Basile, Counsel for KVOA Communications, Inc., to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, MB Docket No. 12-15 (filed Jan. 26, 2012). The fact that TWC has also expressed concerns regarding Cordillera’s false and misleading advertising during this time has no bearing on TWC’s continued willingness to negotiate for a mutually acceptable retransmission consent agreement.

C. Cordillera Is Now Engaging in Anticompetitive Conduct in an Effort to Increase Its Leverage.

In the days before and after its filing, Cordillera orchestrated a blitz of malicious newscasts and ads in the Corpus Christi DMA, attacking TWC for declining to accede to its demands and urging viewers to switch to other providers.³⁵ Most troublingly, Cordillera caused these newscasts to air not only on KRIS, but also on KZTV—the local CBS affiliate owned by SagamoreHill.³⁶ Cordillera was able to manipulate KZTV, KRIS’s ostensible competitor, through an SSA that delegates all of KZTV’s “newscast production” to Cordillera.³⁷ Thus, while KZTV should *benefit* from the withdrawal of a rival station from TWC’s lineup in Corpus Christi, and thus would be expected to capitalize on the competitive opportunity presented by KRIS’s dispute with TWC by seeking to attract new viewers and advertisers, Cordillera has used its apparent control of KZTV to have that station publicly condemn TWC and apply further pressure for it to accede to KRIS’s demands. Cordillera also has told advertisers that they would be able to receive time on KZTV to “make good” for ratings no longer garnered by KRIS due to its lack of availability on TWC systems.³⁸

³⁵ See, e.g., *Time Warner Customers Likely to Miss Super Bowl Coverage on KRIS*, KRIS-TV, Jan. 6, 2012, available at <http://www.kristv.com/news/time-warner-customers-likely-to-miss-super-bowl-coverage-on-kris> (last visited Feb. 1, 2012) (screenshot attached as Exhibit B); *Super Bowl Now Unlikely Over Time Warner Cable Television*, KRIS-TV, Jan. 26, 2012, available at <http://www.kristv.com/timewarner/> (last visited Feb. 1, 2012) (screenshot attached as Exhibit C).

³⁶ See, e.g., Rachel Cole, *Time Warner Customers Switching Providers for Super Bowl Coverage*, KZTV, Jan. 9, 2012, available at <http://www.kztv10.com/news/time-warner-customers-switching-providers/> (last visited Feb. 1, 2012) (screenshot attached as Exhibit D).

³⁷ See Application for Consent to Assignment of Broadcast Station Construction Permit or License, File No. BALCT-20080730AKQ, Attach. 12, Shared Services Agreement § 4(f) (filed Sept. 8, 2009) (“Cordillera-SagamoreHill Application”).

³⁸ Letter of Tim Noble to Corpus Christi Marketers, Jan. 9, 2012, attached hereto as Exhibit E.

As discussed in greater detail below, the joint conduct of KRIS and KZTV is merely the latest example of collusion between these two stations. In 1996, the Department of Justice brought an antitrust complaint against KRIS and KZTV for conspiring to withhold retransmission consent in an effort to drive up the fees paid by local cable operators.³⁹ The stations' group boycott included a pact not to accept a retransmission consent agreement that would give one station a "competitive advantage" over the other, and an agreement to exchange competitive information about "the terms being considered" in each station's negotiations with cable operators.⁴⁰ The consent order in the case prevented the stations from even communicating with each other regarding retransmission consent.⁴¹ Yet today, Cordillera has returned the stations to their collusive ways, causing KZTV to aid and abet—rather than take advantage of—KRIS's withholding of retransmission consent.

DISCUSSION

I. TWC HAS NOT VIOLATED THE COMMISSION'S GOOD FAITH RULES

The relevant facts leave no doubt that Cordillera's claims against TWC under the Commission's "good faith negotiation" rules are utterly meritless. The facts demonstrate that, contrary to Cordillera's assertions, TWC never "refused to negotiate" with Cordillera and so has not violated the *per se* rules on which Cordillera relies. Nor has Cordillera identified any instance in which TWC's conduct was remotely inconsistent with "competitive marketplace

³⁹ Complaint ¶¶ 17-20, *United States v. Texas Television, Inc.*, Civil No. C-96-64 (S.D. Tex. Feb. 2, 1996), available at <http://www.justice.gov/atr/cases/texast0.htm>.

⁴⁰ *Id.* ¶ 19.

⁴¹ Final Judgment at 4, *United States v. Texas Television, Inc.*, Civil No. C-96-64 (S.D. Tex. Feb. 2, 1996), available at <http://www.justice.gov/atr/cases/texast0.htm>. The consent decree expired by its terms in 2006.

considerations” or otherwise came close to violating the “totality of the circumstances” standard for good faith negotiations. The Commission therefore should dismiss Cordillera’s complaint.

A. TWC Has Not Violated the *Per Se* Prohibitions in Sections 76.65(b)(1)(i) and (v) of the Commission’s Rules.

Cordillera’s first argument—that TWC’s conduct during negotiations somehow amounted to *per se* bad faith under Sections 76.65(b)(1)(i) or (v) of the Commission’s rules⁴²—is untenable on its face. Those rules prohibit the “refusal by a Negotiating Entity to negotiate retransmission consent,”⁴³ and the “failure of a Negotiating Entity to respond to a retransmission consent proposal of the other party.”⁴⁴ As the facts set forth above make clear, TWC unquestionably has satisfied these negotiating standards. TWC has “negotiate[d] retransmission consent” with Cordillera continuously for over three months, and during that time, it has never failed to “respond to a retransmission consent proposal” from Cordillera. In fact, TWC has submitted no fewer than *eight* written offers, in addition to participating in numerous phone calls and e-mail exchanges, since retransmission consent discussions began. For Cordillera to assert that “TWC basically has refused to negotiate” is absurd.⁴⁵

Cordillera’s narrower argument that TWC engaged in an actionable “refusal to negotiate” over the holidays is similarly unavailing. As an initial matter, TWC and Cordillera *did* continue discussions about each side’s pending offers over phone and email during that period.⁴⁶ These ongoing discussions were “negotiations” in every sense of the word. Nothing in the Commission’s rules remotely requires TWC to react to each of Cordillera’s unreasonable

⁴² Complaint at 6-7.

⁴³ 47 C.F.R. § 76.65(b)(1)(i).

⁴⁴ *Id.* § 76.65(b)(1)(v).

⁴⁵ Complaint at 4.

⁴⁶ *See supra* note 29 and accompanying text.

demands with a corresponding increase in the fees it offers to pay. In any event, Cordillera admits that TWC *did* in fact respond to Cordillera’s December 21 offer with a comprehensive counteroffer on January 9 addressing all the outstanding issues between the parties.⁴⁷ And Cordillera cannot credibly complain about the relatively slow pace of negotiations in late December when it simultaneously gripes that TWC objected to “tak[ing] a breather” in negotiations in early December.⁴⁸ Apparently Cordillera at times wanted the negotiations to move faster or slower than TWC did, but those minor differences in outlook do not remotely establish bad faith.

B. TWC’s Conduct Has Not Violated the “Totality of the Circumstances” Test.

Cordillera’s complaint also fails to establish that TWC has violated the “totality of the circumstances” test. Cordillera rests its “totality of the circumstances” argument on the notion that it “made clear that it expected” certain terms, and that TWC was unwilling to capitulate.⁴⁹ Cordillera apparently misses the irony of its citation to language from the Commission’s 2000 *Good Faith Order*—that negotiating entities must have “a sincere desire to reach an agreement that is acceptable to *both* parties.”⁵⁰ A rule requiring TWC to give in to Cordillera’s every demand obviously would produce results acceptable to Cordillera, but not to TWC. For this very reason, the Commission has explained that “complaints which merely reflect commonplace disagreements encountered by negotiating parties in the everyday business world will be

⁴⁷ Complaint at 5.

⁴⁸ *Id.* at 4.

⁴⁹ *Id.* at 7.

⁵⁰ *Good Faith Order* ¶ 32 (emphasis added) (cited in Complaint at 7).

promptly dismissed by the Commission.”⁵¹ Cordillera’s complaint should be dismissed accordingly.

Cordillera’s other assertion—that TWC’s proposed rates were “below-market” and thus unlawful—is not only hopelessly vague, but also lacks any legal or factual basis. As a threshold matter, there is no genuine market for retransmission consent. As TWC and others have explained, retransmission consent is an artificial regulatory construct, existing as part of a complicated system of government-created rights designed to promote certain policy goals relating to over-the-air broadcasting.⁵² Those rights include a host of broadcaster preferences, such as mandatory tier placement privileges for fee-seeking stations,⁵³ network non-duplication protections,⁵⁴ and an entitlement to syndicated exclusivity.⁵⁵ Accordingly, retransmission consent agreements are not the product of “marketplace” negotiations, and any characterization of retransmission consent rates as “below-market” cannot be legally cognizable.

Moreover, as explained above, the Commission has made clear its view that the “totality of the circumstances” test does not permit “a ‘back door’ inquiry into the substantive terms negotiated between the parties.”⁵⁶ Thus, Cordillera’s repeated complaints that TWC’s offers are too low are simply irrelevant under the Commission’s current interpretation of its role. In

⁵¹ *Id.*

⁵² *See, e.g.*, Comments of Time Warner Cable Inc., MB Docket No. 10-71, at 5-7 (filed May 27, 2011) (explaining that retransmission consent is an artificial regulatory construct, not a market).

⁵³ 47 U.S.C. §§ 543(b)(7), (8) (requiring placement of broadcast stations on a mandatory basic tier in areas without effective competition).

⁵⁴ 47 C.F.R. §§ 76.92-94 (authorizing stations to enter into agreements with networks establishing exclusive territories for the sale of network programming to cable operators).

⁵⁵ *Id.* §§ 76.101-03 (authorizing stations to offer syndicated programming on an exclusive basis within a geographic area).

⁵⁶ *Good Faith Order* ¶ 32.

complaint proceedings such as this one, the Commission does not “subject the prices or other terms and conditions of nonexclusive retransmission consent agreements to scrutiny.”⁵⁷

In any event, Cordillera’s assertion that TWC offered too little money is wholly subjective and flies in the face of its duty to serve the public interest. Before Cordillera withdrew retransmission consent and filed this complaint, TWC had offered more than three times the compensation it paid to Cordillera in 2011, despite the absence of any marketing value in return under the proposed renewal terms and despite the relative weakness of the programming broadcast by Cordillera vis-à-vis other local stations affiliated with major national broadcast networks. In addition, TWC offered to carry three additional programming streams that it is under no obligation to carry at all, thus increasing the value to Cordillera.

Cordillera’s argument also ignores the complexities that can make rate comparisons misleading. Each negotiation presents a unique fact pattern and a different value proposition for TWC. TWC must evaluate the value it provides each station by carrying it on the basic tier and often on a preferred channel position and the programming such station offers, among numerous other factors.⁵⁸ Some deals, such as those involving stations across multiple locations or for additional stations and/or multicast feeds in the same DMA, present additional issues that differ from negotiation to negotiation and may meaningfully affect the amount of cash consideration that should be provided. TWC also considers, in calculating price, the availability of a station’s programming from other sources, including the Internet and over-the-air. The notion that there is an established minimum price that TWC must pay Cordillera—or that there are “standard” non-

⁵⁷ *Id.* ¶ 18.

⁵⁸ To the extent that Cordillera attempts to justify its demands for price increases by claiming its affiliated network, NBC, has increased upstream programming costs, Cordillera has failed to substantiate this claim and has not even filed its NBC affiliation agreement with the Commission. Therefore, TWC has no basis for evaluating this claim other than Cordillera’s self-serving statements.

price terms, such as the duration of a retransmission consent agreement⁵⁹—is, in Cordillera’s words, “naïve.”⁶⁰

In short, the Commission should reject Cordillera’s misleading characterization of the negotiations that have occurred and reaffirm that the good faith rules do not require MVPDs to accede to a broadcaster’s unilateral demands. The complaint does not come close to establishing bad faith on TWC’s part and therefore must be dismissed.

II. CORDILLERA, IN CONTRAST TO TWC, IS ENGAGING IN ANTICOMPETITIVE CONDUCT IN VIOLATION OF THE COMMISSION’S GOOD FAITH RULES, SECTION 310(D) OF THE ACT, AND THE COMMISSION’S BROADCAST OWNERSHIP RULES

While TWC’s conduct is entirely consistent with the good faith rules, Cordillera’s conduct is not. Far from acting consistent with “competitive marketplace considerations,”⁶¹ Cordillera is leveraging its SSA and related agreements with SagamoreHill (including a joint sales agreement and option and lease agreements) to cause the local CBS affiliate, KZTV, to engage in coordinated anticompetitive conduct.⁶² In addition to its implications in the retransmission consent context, the collusive conduct of KRIS and KZTV—which are supposed

⁵⁹ Accordingly, Cordillera’s assertion that it was improper for TWC to reject its insistence on an “industry standard” three-year term is misplaced. Complaint at 5. TWC was comfortable with a shorter term at the lower rates it had previously proposed, and was willing to extend higher rates in exchange for the security of a longer term. But there was never an “agreement” on a three-year term, and there is certainly no “industry standard” for duration. *See, e.g., Sarah Rabil, CBS, Comcast Sign 10-Year Contract to Carry TV Shows*, BLOOMBERG, Aug. 2, 2010, available at <http://www.bloomberg.com/news/2010-08-02/cbs-signs-10-year-contract-allowing-comcast-to-carry-its-television-shows.html> (reporting on a 10-year retransmission consent agreement between Comcast and CBS).

⁶⁰ Complaint at 5.

⁶¹ *Good Faith Order* ¶ 32 (explaining that a broadcaster’s conduct violates the “totality of the circumstances” test when “not based on competitive marketplace considerations”).

⁶² *See* Cordillera-SagamoreHill Application, Attach. 12. The agreements attached to the application list Evening Post Publishing Company, Cordillera’s parent company, and SagamoreHill of Corpus Christi, LLC, the parent of SagamoreHill of Corpus Christi Licenses, LLC—and the licensee of KZTV—as signatories.

to be independently controlled competitors—runs afoul of Section 310(d) of the Act and the Commission’s broadcast ownership rules. The Commission should promptly commence an investigation into Cordillera’s unlawful conduct and take appropriate remedial action.

A. Cordillera’s Orchestration of Coordinated Pressure Tactics Involving KRIS and KZTV Constitutes Bad Faith.

As TWC has explained in multiple filings before the Commission, broadcast stations are increasingly misusing sharing agreements to facilitate collusion in the negotiation of retransmission consent, thereby undermining the Commission’s interests in promoting competition, localism, and diversity.⁶³ In the same vein, Cordillera’s use of KZTV to amplify KRIS’s public criticism of TWC—in a transparent attempt to coerce TWC into paying inflated retransmission consent compensation—undermines the public interest and constitutes bad faith. In particular, while it is perhaps not surprising that KRIS has run slanted “news” stories and posted content on its website condemning TWC and urging its subscribers to switch to a competing MVPD, KZTV remarkably is running similar “news” stories and posting nearly identical content on its website.⁶⁴ There can be no doubt that Cordillera is orchestrating KZTV’s hostile portrayal of the KRIS-TWC dispute; as discussed further below, Tim Noble, who is KRIS’s General Manager and chief negotiator, also serves as General Manager of KZTV. In fact, the KZTV “news” story included an interview with Mr. Noble, who was identified as

⁶³ See, e.g., TWC Retrans NPRM Reply Comments at 28-30; TWC Retrans NPRM Comments at 19-21, 35-37; Comments of Time Warner Cable Inc., MB Docket No. 09-182, at 7-14 (filed July 12, 2010); Letter of Matthew A. Brill, Counsel for Time Warner Cable Inc., to Marlene H. Dortch, Secretary, FCC, MB Docket Nos. 09-182, 10-71 (filed Nov. 16, 2011).

⁶⁴ See, e.g., Exhibit D (link from KZTV website to “news” segment criticizing TWC for purported delay in responding to KRIS’s latest offer and encouraging consumers to switch to a competing MVPD); *Super Bowl Now Unlikely Over Time Warner Cable Television*, KZTV, Jan. 26, 2012, available at <http://www.kztv10.com/timewarner/> (last visited Feb. 1, 2012) (screenshot attached as Exhibit F) (notice posted on KZTV website). See also Exhibit C (essentially identical notice posted on KRIS website).

KRIS's General Manager without any disclosure of the fact that he likewise is General Manager of KZTV (and thus effectively produced a "news" story featuring himself).

Such coordinated conduct constitutes bad faith because it represents the antithesis of the behavior that would occur in a competitive marketplace.⁶⁵ Were KZTV and KRIS functioning as *bona fide* competitors, KZTV (a CBS affiliate) would view the withdrawal of KRIS's NBC, CW, and Telemundo programming from TWC's cable systems as an opportunity to attract new viewers—and, in turn, the increased advertising revenues that accompany higher ratings. Just as competing MVPDs have sought to exploit the KRIS impasse in attempting to lure new subscribers from TWC, KZTV might seek to tout its CBS programming as an alternative to the KRIS programming that is not being carried on TWC systems. It would be irrational for KZTV to actively encourage TWC's subscribers to switch to alternative platforms so they can *retain* access to competing KRIS programming, as KZTV is doing. KZTV gains nothing on its own—and in fact loses a competitive opportunity—in pushing TWC subscribers to switch providers. Tellingly, the news operations of the ABC and FOX affiliates in Corpus Christi, which are not under common control with KRIS, have not covered KRIS's dispute with TWC, and certainly have not run opinion pieces masquerading as news that criticize TWC for the withdrawal of KRIS programming. By preventing a rival Big Four station from seizing readily available competitive opportunities, KRIS has thwarted competition between the two stations in an effort to exert increased pressure on TWC, and thus has acted in bad faith.

Notably, this collusion between KRIS and KZTV is not an isolated occurrence. In fact, KRIS and KZTV were two of the three stations sued by the Department of Justice in 1996 for conspiring to withhold retransmission consent in violation of Section 1 of the Sherman Act, and

⁶⁵ See *Good Faith Order* ¶ 32; 47 C.F.R. § 76.65(b)(2).

the allegations of wrongdoing in that case bear a striking resemblance to the coordinated activity in which Cordillera and SagamoreHill recently have engaged with respect to TWC's retransmission of KRIS's signal.⁶⁶ For example, the Competitive Impact Statement issued in the 1996 case noted that the defendant broadcasters aired commercials on their respective stations that sent "a clear message of broadcaster solidarity," just as the web notifications currently posted on KRIS's and KZTV's respective websites are intended to do.⁶⁷ The purpose of the collusion in both instances also is the same; as in 1996, KZTV has refrained from exploiting its current competitive advantage vis-à-vis KRIS because the two stations want "to raise the price of retransmission [consent] rights being sold to local cable companies in the Corpus Christi broadcast television market" and "eliminate any advantage a cable company could gain by being able to play one broadcaster off another."⁶⁸

B. More Broadly, Cordillera Has Assumed Control Over KZTV Without Authorization and in Violation of the Broadcast Ownership Rules.

In addition to its efforts to undermine competition in the retransmission consent context, Cordillera has engaged in an unauthorized transfer of control and violated the Commission's broadcast ownership rules. In determining whether a transaction has resulted in an unauthorized *de facto* transfer of control of a broadcast station license, "the Commission examines the policies governing station programming, personnel, and finances."⁶⁹ Control over any one of these areas

⁶⁶ See generally Complaint, *United States v. Texas Television, Inc.*, Civil No. C-96-64 (S.D. Tex. filed Feb. 2, 1996), available at <http://www.justice.gov/atr/cases/texast0.htm>.

⁶⁷ Competitive Impact Statement at 4, *United States v. Texas Television, Inc.*, Civil No. C-96-64 (S.D. Tex. filed Feb. 2, 1996), available at <http://www.justice.gov/atr/cases/texast0.htm>.

⁶⁸ *Id.* at 3, 5.

⁶⁹ *SagamoreHill of Corpus Christi Licenses, LLC*, Memorandum Opinion and Order, 25 FCC Rcd 2809, 2813 (MB 2010) ("*SagamoreHill*") (citing *WHDH, Inc.*, 17 FCC 2d 856,

“would be sufficient for a finding of *de facto* control,”⁷⁰ but with respect to programming, a licensee (in this case, SagamoreHill) is obligated “to retain control over programming content at all times.”⁷¹ The Commission also deems sharing agreements that “confer a degree ‘of influence or control such that [a non-licensee] ha[s] a realistic potential to affect the programming decisions of licensees or other core operating functions’” to confer an attributable interest in the station on such non-licensee.⁷² To the extent that KRIS has assumed control over KZTV without proper authorization, such common control also violates the local ownership rule by combining two Big Four stations in a single DMA.⁷³

In a 2010 letter approving the assignment of KZTV’s license to SagamoreHill, the Media Bureau determined—without the benefit of any investigation into the facts on the ground—that the contractual arrangements between Cordillera and SagamoreHill were “consistent with those approved in the past,” and thus declined to find that Cordillera held an attributable interest in KZTV.⁷⁴ Since that time, however, the Bureau has expressed increased concerns about such sharing arrangements, and it also has become apparent that Cordillera mischaracterized the extent to which it would assume control over KZTV and thereby undermined the factual premises supporting the Bureau’s ruling.

863 (1969), *aff’d sub nom.*, *Greater Boston Television Corp. v. FCC*, 444 F.2d 841 (D.C. Cir. 1970)).

⁷⁰ *Hicks Broadcasting of Indiana, LLC*, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, 13 FCC Rcd 10662 ¶ 50 (1998) (“*Hicks Broadcasting*”).

⁷¹ *Midland Educational Broadcasting Foundation*, Hearing Designation Order, 4 FCC Rcd 5207 ¶ 10 (1989) (internal citations and quotation marks omitted).

⁷² *SagamoreHill* at 2814 (quoting *Review of the Commission’s Regulations Governing Attribution of Cable/MDS Interests*, Report and Order, 14 FCC Rcd 12559 ¶ 1 (1999)).

⁷³ 47 C.F.R. § 73.3555(b)(1).

⁷⁴ *SagamoreHill* at 2814.

As a general matter, the Bureau recently acknowledged that sharing agreements between competing broadcast stations in the same DMA raise serious concerns.⁷⁵ Indeed, the Bureau found that a comparable transaction that involved an SSA, option agreement, and studio lease—just as the Cordillera-SagamoreHill deal does here—“gave [one broadcaster] control over two of the top four stations” in the market, the “net effect” of which “is *clearly* at odds with the purpose and intent of the duopoly rule.”⁷⁶

Moreover, the Media Bureau granted the assignment of KZTV’s license to SagamoreHill with the express understanding that SagamoreHill would “maintain independent management for station KZTV(TV) and, with the exception of newscast production, [would] maintain separate management for the procurement of programming.”⁷⁷ Yet the parties appear to be in blatant violation of that condition. In fact, KZTV shares virtually all of its management personnel with KRIS. A review of the two stations’ websites reveals that *seven* key positions of KZTV’s management are filled with persons who act in a similar, if not identical, capacity for KRIS.⁷⁸

⁷⁵ See *KHNL/KGMB License Subsidiary, LLC, Licensee of Stations KHNL(TV) and KGMB(TV), Honolulu, Hawaii and HITV License Subsidiary, Inc., Licensee of Station KFVE(TV), Honolulu, Hawaii*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 11-1938 (rel. Nov. 25, 2011) (“*Raycom SSA Order*”).

⁷⁶ *Id.* ¶¶ 14, 23 (emphasis added). In that order, the Bureau found that the duopoly rule technically had not been violated because the language of the rule limits the ability of an entity that owns or controls a Big Four station to own or control another Big Four station in the same DMA “only ... at the time of application,” 47 C.F.R. § 73.3555(b)(1), and “no application was involved in the[] transactions [at issue], and none was required.” *Raycom SSA Order* ¶ 14; *id.* ¶ 23 & n.48.

⁷⁷ *SagamoreHill* at 2814.

⁷⁸ In particular, the KZTV positions of President/General Manager, News Director, Chief Engineer, Director of Sales, Internet Sales Director, and Director of News Brands and Marketing each are filled by individuals that share the same names as individuals serving identical roles for KRIS. In addition, Andrew Lesh serves as Internet Content Manager for KZTV and Interactive Operations Specialist for KRIS. Compare KRISTV.com, <http://www.kristv.com/about-us/> (last visited Feb. 1, 2012) (screenshot attached as

Most notably, Tim Noble acts as President and General Manager for both stations and thus has decision-making authority over the programming broadcast on KRIS *and* KZTV.

Mr. Noble’s assumption of the primary management position at both stations is inconsistent not only with the Bureau’s expectations, but also with the terms of the SSA between the Cordillera and SagamoreHill, which states that “[a]t all times, each Station will retain its own independent management (*including general manager*) . . . and in no event will the . . . Stations share services, personnel, or information pertaining to [programming].”⁷⁹

Cordillera’s reliance on Mr. Noble and other management personnel to dictate KZTV news content—as evidenced by KZTV’s coverage of KRIS’s dispute with TWC—reflects its improper assumption of control over KZTV in violation of Section 310(d) of the Act and Sections 73.3540(a) (which bars transfers of control of broadcast licenses absent prior authorization) and 73.3555(b)(1) (which bars common control of two Big Four stations in a single DMA) of the Commission’s rules.⁸⁰ In addition, Cordillera’s installation of a single General Manager for KRIS and KZTV—after making contrary representations in the SSA and

Exhibit G) *with* KZTV10.com, <http://www.kztv10.com/meet-the-team/> (last visited Feb. 1, 2012) (screenshot attached as Exhibit H).

⁷⁹ Cordillera-SagamoreHill Application, Attach. 12, Shared Services Agreement §§ 2(a)-(b) (emphasis added).

⁸⁰ While the SSA provides that Cordillera will “provide regular live-feed[] newscasts for broadcast on KZTV, Cordillera is required to “use reasonable efforts to provide such newscasts that are of a quality *appropriate to KZTV’s market*.” *Id.* § 4(f) (emphasis added). As discussed above, “news” programming urging TWC subscribers to switch to a competing MVPD is so plainly contrary to KZTV’s financial interests that it cannot be viewed as “appropriate.” Moreover, the fact that SagamoreHill did not exercise its “right to interrupt, preempt or delete all or any portion of the newscasts” that sought to deprive KZTV of an important competitive advantage over KRIS further demonstrates that KZTV is being operated at the behest of Cordillera, not the station licensee.

before the Media Bureau⁸¹—raises serious issues about its truthfulness and candor—and thus its qualifications as a broadcast licensee.⁸² For these reasons, in addition to dismissing Cordillera’s frivolous complaint, the Commission should promptly commence an investigation into Cordillera’s violations of the Act and Commission rules and order it to show cause why its licenses should not be revoked.

⁸¹ See, e.g., *Application of Eagle Creek Broadcasting of Corpus Christi, LLC for Consent to the Assignment of License of Television Station KZTV(TV), Corpus Christi, Texas to SagamoreHill of Corpus Christi Licenses, LLC*, Opposition to Petition to Deny, File No. BALCT-20080730AKQ, at 13 (filed Sept. 17, 2008) (Joint Opposition filed on behalf of Cordillera’s parent company, Evening Post Publishing Company, and SagamoreHill of Corpus Christi Licenses, LLC) (“SagamoreHill will retain its own personnel to perform core functions of the Station. At all times, SagamoreHill will employ its own ‘separate managerial and other personnel,’ who will be accountable only to SagamoreHill and will be responsible for, among other functions, the selection of all programming for the Station.”) (citing Cordillera-SagamoreHill Application, Attach. 12, Shared Services Agreement § 2); *id.* at 10 (“The SSA and [Agreement for the Sale of Commercial Time] make very clear that SagamoreHill will retain its own employees to manage and operate the Station.”); *id.* at 3 (stating that SagamoreHill “will maintain its own independent employees and will retain the contractual right and the economic incentive to control [KZTV’s] programming”).

⁸² See *Hicks Broadcasting* ¶ 19 (“The duty of candor requires an applicant before the FCC to be ‘fully forthcoming as to all facts and information relevant’ to its application.”) (quoting *Swan Creek Commc’ns, Inc. v. FCC*, 39 F.3d 1217, 1222 (D.C. Cir. 1994)); see also *id.* ¶ 20 (concluding that a station owner’s statements “present[] substantial and material questions of fact as to whether the statement is false and whether he intended to deceive [Commission] staff” when certain statements were found to be “true in only one sense” and that other relevant facts were omitted or lacked sufficient explanation or clarification).

CONCLUSION

For the foregoing reasons, the Commission should dismiss Cordillera's complaint and also take additional action to investigate and respond to Cordillera's violations of the Act and the Commission's rules.

Respectfully submitted,

Steven N. Teplitz
Cristina Pauzé
TIME WARNER CABLE INC.
901 F Street, NW
Suite 800
Washington, DC 20004

Marc Lawrence-Apfelbaum
Jeff Zimmerman
Julie P. Laine
TIME WARNER CABLE INC.
60 Columbus Circle
New York, NY 10023

February 1, 2012

/s/ Matthew A. Brill
Matthew A. Brill
Matthew T. Murchison
Amanda E. Potter
LATHAM & WATKINS LLP
555 Eleventh Street, NW
Suite 1000
Washington, DC 20004

EXHIBIT A

From: Tim Noble [tnoble@kristv.com]
Sent: Tuesday, October 18, 2011 6:10 PM
To: Kleckner, Susan
Cc: Tim Noble
Subject: RE: KRIS Retrans-TWC
Attachments: image001.jpg; image002.gif

Susan:

I agree that it would be unlikely for us to complete the deal in a week. I will recommend that when I send the proposal next week, it comes with an extension indicating that the new agreement would be retroactive to 11/1/11.

This will give us the time needed to complete.

Tim

Timothy P. Noble<mailto:tnoble@kristv.com> President and General Manager KRIS
Communications
301 Artesian Street
Corpus Christi, Texas 78401
361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com<mailto:tnoble@kristv.com>
KZTV Owned by SagamoreHill Broadcasting LLC

From: Kleckner, Susan [mailto:susan.kleckner@twcable.com]
Sent: Tuesday, October 18, 2011 4:35 PM
To: Tim Noble
Subject: RE: KRIS Retrans

Tim,

I am very concerned as our expiration shows 10/31/11 and the expectation to complete a deal in a week is not realistic. Would you like to discuss expectations? I know that you are having to wait, so just want to help support the effort. Thanks

Susan

Have a great day!

Susan Kleckner
Director of Programming, Texas
Time Warner Cable
750 Canyon Drive, 5th Floor E
Coppell, TX 75019
Phone: 469.464.4397
susan.kleckner@twcable.com<mailto:susan.hinson@twcable.com>

[cid:image001.jpg@01CC8DB8.CF97E940]

From: Tim Noble [mailto:tnoble@kristv.com]
Sent: Tuesday, October 18, 2011 4:28 PM
To: Kleckner, Susan

Cc: Tim Noble
Subject: RE: KRIS Retrans

I have proposal, but it is waiting for corporate sign off. My boss is off until 10/24.

I have a call with him 10/24 at 11A, and I will make sure the proposal is addressed.

This remains a top priority.

Tim

Timothy P. Noble<mailto:tnoble@kristv.com> President and General Manager KRIS
Communications
301 Artesian Street
Corpus Christi, Texas 78401
361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com<mailto:tnoble@kristv.com>
KZTV Owned by SagamoreHill Broadcasting LLC

From: Kleckner, Susan [mailto:susan.kleckner@twcable.com]
Sent: Tuesday, October 18, 2011 4:24 PM
To: Tim Noble
Subject: RE: KRIS Retrans

Friend,

Are you still working on your proposal? Thanks

Susan

Have a great day!

Susan Kleckner
Director of Programming, Texas
Time Warner Cable
750 Canyon Drive, 5th Floor E
Coppell, TX 75019
Phone: 469.464.4397
susan.kleckner@twcable.com<mailto:susan.hinson@twcable.com>

[cid:image001.jpg@01CC8DB8.CF97E940]

From: Tim Noble [mailto:tnoble@kristv.com]
Sent: Wednesday, October 12, 2011 4:53 PM
To: Kleckner, Susan
Subject: RE: KRIS Retrans

Hi Susan:

I should have proposal to you Thursday.

Thanks for your patience.

Tim

Timothy P. Noble<mailto:tnoble@kristv.com> President and General Manager KRIS Communications
301 Artesian Street
Corpus Christi, Texas 78401
361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com<mailto:tnoble@kristv.com>
KZTV Owned by SagamoreHill Broadcasting LLC

From: Kleckner, Susan [mailto:susan.kleckner@twcable.com]
Sent: Tuesday, October 11, 2011 3:43 PM
To: Tim Noble
Subject: RE: KRIS Retrans

I do not believe so. I believe Gavino Ramos in San Antonio will be your contact. Of course if you need anything, please give me a call and I will help you reach the person you need

Susan

Have a great day!

Susan Kleckner
Director of Programming, Texas
Time Warner Cable
750 Canyon Drive, 5th Floor E
Coppell, TX 75019
Phone: 469.464.4397
susan.kleckner@twcable.com<mailto:susan.hinson@twcable.com>

[cid:image001.jpg@01CC8DB8.CF97E940]

From: tnoble@kristv.com [mailto:tnoble@kristv.com]
Sent: Tuesday, October 11, 2011 1:41 PM
To: Kleckner, Susan
Subject: Re: KRIS Retrans

I should have something to you by COB today, or early Wednesday. Will Vicki's position be filled here?

Tim

Tim Noble
President & GM
KRIS Communications

sent via BlackBerry

KZTV owned by SagamoreHill Broadcasting LLC

From: "Kleckner, Susan" <susan.kleckner@twcable.com>
Date: Tue, 11 Oct 2011 13:30:08 -0500
To: Tim Noble<tnoble@kristv.com>
Subject: RE: KRIS Retrans

Good Day Tim,

Any updates? BTW, I do not know if you heard about the changes at TWC. Vicki Triplett is no longer with our company. She is a good lady and hope she finds something soon!

Susan

Have a great day!

Susan Kleckner
Director of Programming, Texas
Time Warner Cable
750 Canyon Drive, 5th Floor E
Coppell, TX 75019
Phone: 469.464.4397
susan.kleckner@twcable.com<mailto:susan.hinson@twcable.com>

[cid:image001.jpg@01CC8DB8.CF97E940]

From: Tim Noble [mailto:tnoble@kristv.com]
Sent: Thursday, October 06, 2011 2:57 PM
To: Kleckner, Susan
Subject: RE: KRIS Retrans

Susan:

Sounds good. I should have by early next week.

Tim

Timothy P. Noble<mailto:tnoble@kristv.com> President and General Manager KRIS
Communications
301 Artesian Street
Corpus Christi, Texas 78401
361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com<mailto:tnoble@kristv.com>
KZTV Owned by SagamoreHill Broadcasting LLC

From: Kleckner, Susan [mailto:susan.kleckner@twcable.com]
Sent: Thursday, October 06, 2011 2:39 PM
To: Tim Noble
Subject: RE: KRIS Retrans

Hello Tim,

You can send you proposal to me and we will take it from there. Thanks!

Susan

Have a great day!

Susan Kleckner
Director of Programming, Texas
Time Warner Cable
750 Canyon Drive, 5th Floor E
Coppell, TX 75019
Phone: 469.464.4397
susan.kleckner@twcable.com<mailto:susan.hinson@twcable.com>

[cid:image001.jpg@01CC8DB8.CF97E940]

From: Tim Noble [mailto:tnoble@kristv.com]
Sent: Tuesday, October 04, 2011 2:10 PM
To: Kleckner, Susan
Subject: RE: KRIS Retrans

Susan:

In the past, I have worked out the deal points directly (Susan Patten) before finalizing the contract with the lawyers.
This OK with you?

Tim

Timothy P. Noble<mailto:tnoble@kristv.com> President and General Manager KRIS
Communications
301 Artesian Street
Corpus Christi, Texas 78401
361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com<mailto:tnoble@kristv.com>
KZTV Owned by SagamoreHill Broadcasting LLC

From: Kleckner, Susan [mailto:susan.kleckner@twcable.com]
Sent: Tuesday, October 04, 2011 1:21 PM
To: Tim Noble
Subject: RE: KRIS Retrans

Hello Tim!

I thought this was going to be handled by a lawyer for you? Please advise. :)

Susan

Have a great day!

Susan Kleckner
Director of Programming, Texas
Time Warner Cable
750 Canyon Drive, 5th Floor E
Coppell, TX 75019
Phone: 469.464.4397
susan.kleckner@twcable.com<mailto:susan.hinson@twcable.com>

[cid:image001.jpg@01CC8DB8.CF97E940]

From: Tim Noble [mailto:tnoble@kristv.com]
Sent: Tuesday, October 04, 2011 11:16 AM
To: Kleckner, Susan
Subject: KRIS Retrans

Susan:

I am working on our proposal for 2011-2014 retransmission with TWC. Do we need to involve corporate/lawyers, or would you prefer that I deal directly with you?

Let me know.

Best regards,

Tim

Timothy P. Noble<mailto:tnoble@kristv.com> President and General Manager KRIS
Communications
301 Artesian Street
Corpus Christi, Texas 78401

361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com<mailto:tnoble@kristv.com>
[cid:image002.gif@01CC8DB8.CF97E940]
KZTV Owned by SagamoreHill Broadcasting LLC

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From: Tim Noble [tnoble@kristv.com]
Sent: Friday, October 28, 2011 2:23 PM
To: Kleckner, Susan
Cc: Tim Noble
Subject: RE: Cordillera Proposal
Attachments: image001.jpg

Susan:

As we discussed, you are correct in your interpretation of our extension. We are granting an extension through 11/30/11 (per below) with the understanding that a new agreement will be retroactive to 11/1/11.

Please let me know if this answers your question.

Tim

Timothy P. Noble<<mailto:tnoble@kristv.com>> President and General Manager KRIS Communications
301 Artesian Street
Corpus Christi, Texas 78401
361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com<<mailto:tnoble@kristv.com>>
KZTV Owned by SagamoreHill Broadcasting LLC

From: Kleckner, Susan [mailto:susan.kleckner@twcable.com]
Sent: Friday, October 28, 2011 12:23 PM
To: Tim Noble
Subject: RE: Cordillera Proposal

Tim,

Thanks for your note. Just to clarify, you are granting an extension, but you are also asking that, if we reach an agreement later on, that agreement will be effective as of November 1. We cannot agree to a contingent extension, but we can agree that if we reach an agreement, that agreement can be effective as of November 1. Please confirm. Thanks

Susan

Susan Kleckner
Director of Programming, Texas
Time Warner Cable
750 Canyon Drive, 5th Floor E
Coppell, TX 75019
Phone: 469.464.4397
susan.kleckner@twcable.com<<mailto:susan.hinson@twcable.com>>

[\[cid:image001.jpg@01CC9574.AEC43160\]](#)

From: Tim Noble [mailto:tnoble@kristv.com]
Sent: Friday, October 28, 2011 11:15 AM
To: Kleckner, Susan
Cc: Tim Noble
Subject: FW: Cordillera Proposal

Susan:

Thanks for your quick reply. I will review the specifics pertaining to the KRIS Communications signals and respond early next week. I cannot, however, negotiate on behalf of WLEX, so that language needs to be removed.

Regarding the extension:

KRIS-TV grants Time Warner Cable consent to continue to retransmit its signal (including its CW multicast channel) and the signals for KDF and KAJA in the same manner as set forth in our current retransmission consent agreement. This consent shall expire at 11:59 pm on November 30, 2011. This consent is contingent upon KRIS-TV and Time Warner entering into a new retransmission agreement which shall be effective as of November 1, 2011.

Have a nice weekend.

Tim

Timothy P. Noble<<mailto:tnoble@kristv.com>> President and General Manager KRIS Communications
301 Artesian Street
Corpus Christi, Texas 78401
361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com<<mailto:tnoble@kristv.com>>
KZTV Owned by SagamoreHill Broadcasting LLC

From: Kleckner, Susan [<mailto:susan.kleckner@twcable.com>]
Sent: Thursday, October 27, 2011 5:09 PM
To: Tim Noble
Cc: Kleckner, Susan
Subject: Cordillera Proposal

Tim,

Thank you for sending the proposal to me. Attached is our counter proposal. You must realize that your initial asks are a substantial departure from our past relationship as well as our existing comparable retransmission consent deals.

In our recent communications, you acknowledged that, given the late date of the arrival of your first proposal, it is unlikely that we can reach an agreement before our current agreement expires, and indicated that an extension would be forthcoming. We expect that you will send an extension of retransmission consent at least through the current Nielsen ratings period, which as you probably are aware, ends on November 23.

Feel free to call me at any time to discuss.

Best regards,

Susan

Susan Kleckner
Director of Programming, Texas
Time Warner Cable

750 Canyon Drive, 5th Floor E
Coppell, TX 75019
Phone: 469.464.4397
susan.kleckner@twcable.com<<mailto:susan.hinson@twcable.com>>

[\[cid:image001.jpg@01CC9574.AEC43160\]](#)

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From: Kleckner, Susan <susan.kleckner@twcable.com>
Sent: Tuesday, January 17, 2012 2:12 PM
To: Kleckner, Susan
Subject: KRIS-Time Warner (From 11/8)
Attachments: image001.jpg; image004.jpg

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Tim Noble [\[mailto:tnoble@kristv.com\]](mailto:tnoble@kristv.com)<[mailto:\[mailto:tnoble@kristv.com\]](mailto:[mailto:tnoble@kristv.com])>
Sent: Tuesday, November 08, 2011 11:37 AM
To: Kleckner, Susan
Cc: Tim Noble
Subject: KRIS-Time Warner

Susan:

As promised, attached is a clean and redline counter proposal to your term sheet. The main issue is your proposed rate structure for KRIS Communications stations.

As I am sure you are aware, the rates for top broadcast stations and programming has increased dramatically over the last year and a half. Your offer does not recognize the full value of KRIS Communications stations (KRIS-NBC,CW, KAJA-Telemundo and KDF-TV) and the top programming we offer the viewers in Corpus Christi including: top rated local news

and weather, network sports, news and entertainment as well as the best syndicated shows. Our stations provide a larger audience than any other channel on the TWC lineup in South Texas.

More importantly, I recently closed deals for '12-'14 that establishes the market value for my stations, and this counter is reflective of the current marketplace.

As I indicated on 10/28, I am unable to negotiate on behalf of WLEX. I too would like to wrap this up before our extension expires, so please let me know if you have any questions.

Best regards,

Tim

Timothy P. Noble<<mailto:tnoble@kristv.com>> President and General Manager KRIS Communications
301 Artesian Street
Corpus Christi, Texas 78401
361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com<<mailto:tnoble@kristv.com>>
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Go Green! Print this email only when necessary. Thank you for helping Time Warner Cable be environmentally responsible.

Susan

Have a great day!

Susan Kleckner
Director of Programming, Texas
Time Warner Cable
750 Canyon Drive, 5th Floor E
Coppell, TX 75019
Phone: 469.464.4397
susan.kleckner@twcable.com<<mailto:susan.hinson@twcable.com>>

[\[cid:image004.jpg@01CCD519.893878E0\]](#)

From: Johnson, Alexis [alexis.johnson@twcable.com]
Sent: Friday, November 18, 2011 7:24 PM
To: Tim Noble
Subject: TWC / KRIS TV
Attachments: redline 11-18-11.docx; Cordillera Proposal TWC 11-18-11.docx

Tim,

I have attached TWC's revised proposal for carriage of your Corpus Christi stations. As we discussed last week, I would like to walk through the proposal with you to ensure that we are not "talking past" each other by using written proposals alone. My assistant set up a 30-minute call for us on Tuesday, but I think we should hold an hour in order to really make progress and nail down an understanding. I look forward to speaking next week.

Best regards,

Alexis

Alexis Johnson
VP, Content Acquisition
Time Warner Cable
60 Columbus Circle
New York, NY 10023
alexis.johnson@twcable.com
w: 212-364-8476
f: 704-973-6256

Attachments Redacted

From: Tim Noble [tnoble@kristv.com]
Sent: Wednesday, November 30, 2011 3:43 PM
To: Johnson, Alexis
Subject: RE: Update TWC / KRIS Extension

Alexis:

Alexis:

This serves as email confirmation that we accept your deadline extension through 11:59 p.m., Monday, December 12, 2011. I anticipate having a counter proposal to you by COB CT today.

Tim

Timothy P. Noble
President and General Manager
KRIS Communications

301 Artesian Street
Corpus Christi, Texas 78401

361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com

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From: Johnson, Alexis [mailto:alexis.johnson@twcable.com]
Sent: Wednesday, November 30, 2011 10:54 AM
To: Tim Noble
Subject: RE: Update TWC / KRIS Extension

Tim:

We don't believe that we should have to wait for you to negotiate other deals. We have completed agreements for hundreds of stations over the last few years, including dozens of "Big Four" network-affiliated stations during the last twelve months, so we are keenly aware of the retransmission consent environment. We are ready and willing now to negotiate with you in good faith for continued carriage of KRIS, KDF and KAJA. We have more than enough year-end business that requires our attention, and we believe this negotiation should not take that long. Your continuing refusal to make a counterproposal that would move this negotiation toward conclusion is unhelpful. We will accept an extension through 11:59 p.m., Monday, December 12, 2011, which I believe gives the parties ample time to negotiate the terms of a long-term retransmission consent agreement. Alternatively, if you are not prepared to negotiate with us right now, then we are willing to re-commence

negotiations next year. However, we are not agreeable to a termination date of New Year's Eve. Therefore, if December 12th is not realistic for you, we are willing to extend our current agreement through 11:59 pm on March 30, 2012. Please let us know which you prefer. If we do not hear from you today, we will assume you have rejected this proposal and we will be forced to remove your stations tonight at midnight.

Thanks,

Alexis

Alexis Johnson

VP, Content Acquisition
Time Warner Cable
60 Columbus Circle
New York, NY 10023
alexis.johnson@twcable.com
w: 212-364-8476
f: 704-973-6256

From: Tim Noble [mailto:tnoble@kristv.com]
Sent: Tuesday, November 29, 2011 8:52 PM
To: Johnson, Alexis
Cc: Tim Noble
Subject: RE: Update TWC / KRIS

Alexis:

I don't think it would be productive for us to respond to your [REDACTED] increase with a [REDACTED] decrease of our own. That seems like a waste of time to me.

Clearly, we have different views as to what the market rate is for our programming. It seems far more productive for both of us to re-engage in a week or two when we have the benefit of having closed other deals to give us a better sense of the changed retransmission marketplace.

In any event, KRIS-TV grants Time Warner Cable consent to continue to retransmit its signal (including the CW multicast channel) and the signals for KDF and KAJA in the same manner as set forth in our current retransmission consent agreement. This consent shall expire at 11:59pm on December 31, 2011. As with our last extension, it is our understanding that any new retransmission agreement will be retroactive to November 1, 2011.

Tim

Timothy P. Noble
President and General Manager
KRIS Communications

301 Artesian Street
Corpus Christi, Texas 78401

361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com

KZTV Owned by SagamoreHill Broadcasting LLC

From: Johnson, Alexis [mailto:alexis.johnson@twcable.com]
Sent: Tuesday, November 29, 2011 6:02 PM
To: Tim Noble
Subject: RE: Update TWC / KRIS

Tim-

I received your email. I've been trying to figure out what you meant by "stepping back on a counter." Your wait-and-see plan for negotiations and your choice to be non-responsive with a proposal are simply not productive.

Alexis

From: Tim Noble [mailto:tnoble@kristv.com]
Sent: Tuesday, November 29, 2011 3:01 PM
To: Johnson, Alexis
Subject: FW: Update TWC / KRIS

Making sure you received.

Tim

Timothy P. Noble
President and General Manager
KRIS Communications

301 Artesian Street
Corpus Christi, Texas 78401

361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com

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From: Tim Noble
Sent: Monday, November 28, 2011 2:56 PM

To: Johnson, Alexis
Cc: Tim Noble
Subject: FW: Update TWC / KRIS

Alexis:

Sorry I missed your meeting deadline. I was on a sales call.

I will be able to grant you our final extension this week (details to follow in a separate email). I am going to step back on a counter at this time as your last rate is far below our sense of the marketplace, and below where other similar sized operators (as TWC) are offering our group. This will give us time to see how those deals shake out and we will have a better sense of the marketplace.

I should have the extension e-mail to you by early 11/30.

Tim

Timothy P. Noble
President and General Manager
KRIS Communications

301 Artesian Street
Corpus Christi, Texas 78401

361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com

KZTV Owned by SagamoreHill Broadcasting LLC

From: Johnson, Alexis [mailto:alexis.johnson@twcable.com]
Sent: Monday, November 28, 2011 1:28 PM
To: Tim Noble
Subject: Update TWC / KRIS

Tim,

I just called your office and left a voicemail message for you. I'll be speaking to my operations and communications teams at 3pm ET today to advise them on the status of our negotiations. What are your thoughts this week regarding an extension or any other update?

Best,

Alexis

Alexis Johnson

VP, Content Acquisition
Time Warner Cable
60 Columbus Circle
New York, NY 10023
alexis.johnson@twcable.com
w: 212-364-8476
f: 704-973-6256

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From: Tim Noble [tnoble@kristv.com]
Sent: Wednesday, November 30, 2011 9:23 PM
To: Johnson, Alexis
Cc: Tim Noble
Subject: TWC/KRIS Extension
Attachments: Cordillera Proposal TWC (KRIS 11-30).docx-c.DOCX; Redline.doc-c.docx

Alexis:

Here is our counter as promised. I look forward to your response.

I look forward to wrapping up our deal and moving on.

Talk to you soon.

Tim

* I did find the KZTV email and you are correct in that TWC agreed to [REDACTED]
Once we finish KRIS, I am open to exploring how [REDACTED]

Timothy P. Noble
President and General Manager
KRIS Communications

301 Artesian Street
Corpus Christi, Texas 78401

361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com

KZTV Owned by SagamoreHill Broadcasting LLC

Attachments Redacted

From: Johnson, Alexis [alexis.johnson@twcable.com]
Sent: Thursday, December 08, 2011 5:42 PM
To: Tim Noble
Subject: RE: TWC / KRIS Retransmission Consent Counterproposal

Tim,

Thanks for your response. As we discussed earlier today, this rate will not work for us and is not near the range in which we are doing comparable deals, including deals we have been closing recently. We are willing to negotiate within a range that is near our last proposal, and our counterproposal on rates for KRIS is below.



It is also our aim to reach final agreement on or before our expiration on 12/12/11. We are, of course, willing to negotiate with you under an extension, but we are not willing to extend on a basis that adds your station to our already heavy burden dealing with other broadcasters and programmers during the holidays, or that puts our subscribers and your viewers in jeopardy of losing "must have" programming. Nor do we feel that it is appropriate to jeopardize your ratings by selecting an expiration date shortly before the February "sweeps" period. Therefore, we will accept an extension to any date you choose in March 2012.

Please let me know how you want to proceed.

Best regards,

Alexis

Alexis Johnson
VP, Content Acquisition
Time Warner Cable
60 Columbus Circle
New York, NY 10023
alexis.johnson@twcable.com
w: 212-364-8476
f: 704-973-6256

From: Tim Noble [mailto:tnoble@kristv.com]
Sent: Thursday, December 08, 2011 9:01 AM
To: Johnson, Alexis
Cc: Tim Noble
Subject: FW: TWC / KRIS Retransmission Consent Counter Proposal

Alexis:

Thanks for your timely counter. I agree that staying focused on rate is important in reaching an agreement. I have our attorney working on the redline, and appreciate your clarifications about [REDACTED]

Below is my rate counter.



I look forward to your reply.

Tim

Timothy P. Noble
President and General Manager
KRIS Communications

301 Artesian Street
Corpus Christi, Texas 78401

361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com

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From: Johnson, Alexis [mailto:alexis.johnson@twcable.com]
Sent: Wednesday, December 07, 2011 6:01 PM
To: Tim Noble
Subject: TWC / KRIS Retransmission Consent Counter Proposal

Tim,

We are at a difficult point- a hard deadline looming and a resolve on your side that there is a new market rate that is several hundred times greater on a percentage basis than what we have proposed. We certainly value the relationship and wish to continue as KRIS' leading distribution partner, but we will not ignore our historical and very recent experience in closing agreements in the range (and below) the rates of this proposal. That said, below is what we are willing to offer for continued carriage of your KRIS NBC station:



As we discussed, I have attached a word version of our counter proposal that I think more accurately reflects our mutual understanding on the other carriage issues that we discussed, but we need to stay focused on rate. I look forward to speaking soon.

Best regards,

Alexis

Alexis Johnson

VP, Content Acquisition

Time Warner Cable

60 Columbus Circle

New York, NY 10023

alexis.johnson@twcable.com

w: 212-364-8476

f: 704-973-6256

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From: Johnson, Alexis <alexis.johnson@twcable.com>
Sent: Friday, December 16, 2011 12:16 PM
To: Tim Noble
Subject: RE: TWC / KRIS

Tim,

Are you calling me? Just wanted to know if I should stay around the office or not.

Thanks,

Alexis

Alexis Johnson

Vice President, Content Acquisition
Time Warner Cable
60 Columbus Circle
New York, NY 10023
alexis.johnson@twcable.com
w: 212-364-8476
f: 704-973-6256

From: Tim Noble [<mailto:tnoble@kristv.com>]
Sent: Thursday, December 15, 2011 5:46 PM
To: Johnson, Alexis
Cc: Tim Noble
Subject: RE: TWC / KRIS

Alexis:

Thanks for your call. I am headed out to an event. If you would please send your counter to my last proposal, and I will call you Friday. I have an early appointment and should be in by 10A CT.
Mr. Hurley is not back until Friday anyway.

I will try you late morning Friday.

Best,

Tim

Timothy P. Noble
President and General Manager
KRIS Communications

301 Artesian Street
Corpus Christi, Texas 78401

361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com

KZTV Owned by SagamoreHill Broadcasting LLC

From: Johnson, Alexis [<mailto:alexis.johnson@twcable.com>]
Sent: Thursday, December 15, 2011 4:04 PM
To: Tim Noble
Subject: TWC / KRIS

Tim,

I just left a message at your office to resume discussions. Please let me know when you would like to speak.

Best,

Alexis

Alexis Johnson
Vice President, Content Acquisition
Time Warner Cable
60 Columbus Circle
New York, NY 10023
alexis.johnson@twcable.com
w: 212-364-8476
f: 704-973-6256

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From: Tim Noble [tnoble@kristv.com]
Sent: Wednesday, December 21, 2011 12:03 PM
To: Johnson, Alexis
Cc: Tim Noble
Subject: RE: TWC / KRIS

Alexis:

I should have our proposal to you this afternoon. I sent nothing yesterday.

Thanks for checking.

Tim

Timothy P. Noble
President and General Manager
KRIS Communications

301 Artesian Street
Corpus Christi, Texas 78401

361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com

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From: Johnson, Alexis [mailto:alexis.johnson@twcable.com]
Sent: Wednesday, December 21, 2011 11:00 AM
To: Tim Noble
Subject: RE: TWC / KRIS

Tim,

Did I miss your call or email yesterday? What are your thoughts on next steps? Please let me know.

Best regards,

Alexis

Alexis Johnson
Vice President, Content Acquisition
Time Warner Cable

60 Columbus Circle
New York, NY 10023
alexis.johnson@twcable.com
w: 212-364-8476
f: 704-973-6256

From: Tim Noble [mailto:tnoble@kristv.com]
Sent: Monday, December 19, 2011 5:05 PM
To: Johnson, Alexis
Subject: RE: TWC / KRIS

Alexis:

Got it. I will review and be in touch Tuesday.

Take care,

Tim

Timothy P. Noble
President and General Manager
KRIS Communications

301 Artesian Street
Corpus Christi, Texas 78401

361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com

KZTV Owned by SagamoreHill Broadcasting LLC

From: Johnson, Alexis [mailto:alexis.johnson@twcable.com]
Sent: Monday, December 19, 2011 3:50 PM
To: Tim Noble
Subject: TWC / KRIS

Tim,

I have attached a new proposal for your review. I am happy to answer any questions.

Best regards,

Alexis

Alexis Johnson

VP, Content Acquisition

Time Warner Cable

60 Columbus Circle

New York, NY 10023

alexis.johnson@twcable.com

w: 212-364-8476

f: 704-973-6256

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From: Tim Noble [tnoble@kristv.com]
Sent: Wednesday, December 21, 2011 5:30 PM
To: Johnson, Alexis
Cc: Tim Noble
Subject: FW: TWC/KRIS
Attachments: image001.gif; Cordillera Proposal TWC (KRIS 12_21).docx.DOCX; Redline.docx

Alexis:

Today our company reached agreements with 2 major operators who have more subscribers in our markets than TWC. In each case, every single one of their offers (including their very first offer), as well as the final rates agreed to with our company, has been well above your current offer. Time Warner is the only cable or satellite operator that refuses to recognize or pay the established market price for our programming.

Attached is our new proposal for your review. Please note that this proposal reflects KRIS rate decreases amounting to [REDACTED] for '12-'14. Your most recent proposal included increases totaling [REDACTED] for the same period.

In reviewing this counter with Mr. Hurley, we agree that TWC will need to show substantial movement in year one ('11-'12), and corresponding increases for '13-'14, to get this deal done.

Please call if you have any questions.

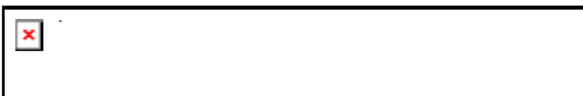
Best regards,

Tim

Timothy P. Noble
President and General Manager

KRIS Communications
301 Artesian Street
Corpus Christi, Texas 78401

361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com



KZTV Owned by SagamoreHill Broadcasting LLC

Attachments Redacted

From: Johnson, Alexis [alexis.johnson@twcable.com]
Sent: Thursday, December 29, 2011 10:39 AM
To: Tim Noble
Subject: FW: Tim Noble's # is 361-886-6111

Tim,

I'm sorry that I missed your call this morning. I just returned your call and left a voicemail message. I am in the office and look forward to speaking. Are you available to speak before 1pm ET?

Thanks,

Alexis

Alexis Johnson
Vice President, Content Acquisition
Time Warner Cable
60 Columbus Circle
New York, NY 10023
alexis.johnson@twcable.com
w: 212-364-8476
f: 704-973-6256

From: Zamboni, MaryElizabeth
Sent: Thursday, December 29, 2011 9:30 AM
To: Johnson, Alexis
Cc: Dieng, Patsy
Subject: Tim Noble's # is 361-886-6111

MaryElizabeth

Go Green! Print this email only when necessary. Thank you for helping Time Warner Cable be environmentally responsible.

From: Tim Noble [tnoble@kristv.com]
Sent: Wednesday, January 04, 2012 11:55 AM
To: Johnson, Alexis
Subject: Your question
Attachments: image001.gif

Alexis:

I did ask again about possibility for ad deal. As I predicted, that is not an option.

That said, I am very interested in working on business points while you send rate counter, or both at same time. I want to keep moving forward and am willing to do what makes most sense for you.

Tim

Timothy P. Noble
President and General Manager

KRIS Communications
301 Artesian Street
Corpus Christi, Texas 78401

361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com



KZTV Owned by SagamoreHill Broadcasting LLC

From: Tim Noble [tnoble@kristv.com]
Sent: Tuesday, January 10, 2012 7:50 PM
To: Johnson, Alexis
Cc: Tim Noble
Subject: RE: TWC / KRIS Proposal

Alexis:

To say we are extremely disappointed in your latest counter would be an understatement. It appears Time Warner's idea of a good faith negotiation is to insist that all of its needs must be met and to completely ignore everything we have been saying for two months.

This latest counter is just another example of your company's bad faith tactics because it now seems we are going backwards. The fact that it took nineteen days for this counter offer to arrive is insulting and speaks volumes about Time Warner's sincerity of purpose to do a deal with us before the Super Bowl.

Term: Time Warner's proposal of a [REDACTED] term is unacceptable. After several weeks of discussion, it seemed that we had narrowed the term to either [REDACTED]. On our many phone calls, I told you that our company is signing [REDACTED] deals with EVERY cable operator, and we expected to do the same here. It seemed you understood our position, but now you have countered with a [REDACTED] deal. Your counter is moving us backwards and constitutes regressive bargaining.

Rate: Taking nineteen days to increase your offer by [REDACTED] is an insult and still substantially below deals we have struck with cable and satellite operators that have substantially more subscribers for our company than Time Warner. As I have said again and again, we cannot agree to give Time Warner a better rate than other operators that distribute our company's programming to more eyeballs. Any offer that begins in the [REDACTED] is below market and less than what these other larger operators have agreed to pay. In fact, for both of these larger operators every single OFFER they made to us was above what you are offering today. We see no reason to reward Time Warner with a below market rate when those other operators quickly recognized the value of our programming and showed a genuine interest in getting a deal done.

Paid Programming: I am baffled by the Time Warner's latest response for paid programming. It is as if the 6 hours of conversation we had over the last two weeks never happened. I cannot sign a deal that gives Time Warner [REDACTED]

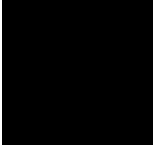
[REDACTED] That is not acceptable.

Carriage Terms: As a gesture of good faith and because you told me it was important to Time Warner, [REDACTED]

[REDACTED] That is not acceptable.

At this point, we have no expectation that we will be able to reach an agreement ever, and we believe it is unnecessary to respond to your counter from yesterday because it was not a bona fide proposal. Nevertheless, we will counter by

accepting your [REDACTED] rate for 2011 and otherwise responding to the [REDACTED] increase with our own [REDACTED] decrease (assuming acceptance of our other terms outlined above).



We are now running out of room to negotiate further. If you want to end the 'penny dance', let me know.

Best regards,

Tim

Timothy P. Noble
President and General Manager
KRIS Communications

301 Artesian Street
Corpus Christi, Texas 78401

361.886.6111 Direct
361.654.1623 Fax
tnoble@kristv.com

KZTV Owned by SagamoreHill Broadcasting LLC

From: Johnson, Alexis [mailto:alexis.johnson@twcable.com]
Sent: Monday, January 09, 2012 3:47 PM
To: Tim Noble
Subject: TWC / KRIS Proposal

Tim,

Let me first say that TWC remains very interested in reaching a retransmission consent agreement for carriage of the KRIS stations. Throughout our discussions you have emphasized that TWC is not willing to pay fair value for NBC, but your demands to this point have been unrealistic. During this retransmission consent cycle alone, we have agreed to financial terms for carriage of dozens of Big 4 stations. In no instance have we agreed to rates that reach what you last proposed [REDACTED]

[REDACTED] Again, we would like to reach an agreement, and I am happy to discuss the attached proposal after you have had a chance to review. I can make myself available later today or tomorrow. Please let me know what makes sense for you.

Best regards,

Alexis

Alexis Johnson

Vice President, Content Acquisition

Time Warner Cable

60 Columbus Circle

New York, NY 10023

alexis.johnson@twcable.com

w: 212-364-8476

f: 704-973-6256

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LOCAL NEWS

Time Warner Customers likely to miss Super Bowl coverage on KRIS

Posted: Jan 6, 2012 4:36 PM

Updated: Jan 9, 2012 5:27 PM

Attention Time Warner Customers

TWC stopped negotiations

Dec. 21st makes offer

Still no TWC Response

Attention Time Warner Customers

Super Bowl Unlikely

Attention Time Warner Customers

CORPUS CHRISTI - Time Warner Cable has now stopped negotiating in good faith with KRIS Communications to reach an agreement to carry KRIS-NBC, CW-South Texas, KAJA-Telemundo and KDF.

KRIS management continues to wait for a response to its last offer made December 21st, 2011 - over 16 days ago.

KRIS management is unable to get a response from the Time Warner Cable representative who is based in New York City.

Time Warner dropped our stations in December even though they had consent to carry our signals while we try to reach a deal.

Time Warner pulled the plug on their customers for the Dallas Cowboys game last week game and the Houston Texans Wild Card game this weekend. KRIS did not cut off viewer access to these games.

The Super Bowl XLVI on KRIS-NBC is now unlikely to air on Time Warner Cable.

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Rating: 1.0 (1 vote)

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Matt's Wednesday Morning Forecast

Candlelight Vigil Held for Beloved Teacher

TXDOT Plans to Make Big Improvements to Weber Road

Road Rage Trial

HS Boys Hoops: West Oso 65, Miller 60

http://www.kristv.com/news/time-warner-customers-likely-to-miss-super-bowl-coverage-on... 2/1/2012

Time Warner Cable claims to care about sports, however they do not carry the NFL Network or the Longhorn Network.

Make plans to switch now - in time for Super Bowl XLVI on February 5th.

Other cable and satellite operators continue to provide KRIS-TV, including Grande Communications (www.grandecom.com or 361-334-4600), DirecTV (www.directv.com or 1-888-777-2454), Dish Network (www.dishnetwork.com or 1-800-823-4929), and AT&T (www.att.com or 1-800-288-2020).

KRIS-NBC is always available over the air with a VHF antenna.

For more information, please visit our Time Warner Cable fact page.



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6 News Team

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EXHIBIT C

What are the facts?

- The carriage terms we offered Time Warner Cable are consistent with what other operators pay broadcasters across the country, and reflects fair compensation for our programming.
- Our offer is below what Time Warner Cable pays for other cable networks with viewership far lower than that of KRIS-NBC, the CW South Texas, KDF, and KAJA-Telemundo.
- Our offer to Time Warner Cable is consistent with agreements we have with other cable operators in the market who recognize the value of the programming offered by our four stations.
- Time Warner Cable's claim of a 400% "Increase" is false and unsubstantiated. We asked Time Warner how they arrived at this figure (400%) and they refuse to tell us. We have no idea how they arrived at this figure.
- KRIS-TV's carriage agreement with Time Warner expired on December 12, 2011. Time Warner is no longer interested in carrying our stations. **WHY? You'd have to ask Time Warner. Call them at (800) 222-5355.**
- KRIS-TV granted Time Warner consent to continue carrying all of its stations. Time Warner dropped us anyway. On December 13, 2011, Time Warner dropped KRIS-NBC, CW South Texas, and KDF.

What is the problem?

- KRIS-TV and Time Warner are negotiating a new long-term carriage agreement. Time Warner does not want to pay fair value for our programming.
- KRIS-NBC, the CW South Texas, and KDF offer some of the highest rated, most popular programming on Time Warner's cable system.
 - o **KRIS-TV** provides the most local news of any station in South Texas. It also includes **Sunday Night Football**, the Today Show, **two NFL Wildcard Playoffs**, the Super Bowl, the Tonight Show, and NBC's primetime programming including The Biggest Loser.
 - o **CW South Texas's** program lineup includes Vampire Diaries and America's Next Top Model.
 - o **KDF** offers Corpus Christi's only 9 p.m. local news and top-flight ACC basketball.
- KRIS-TV has offered Time Warner very generous terms for carriage of its highly rated local television stations. Like any business, KRIS-TV cannot afford to sell its valuable content at levels far below market value. Time Warner then resells the KRIS content to its customers for a profit.

What can I do?

- Tell Time Warner to stop playing games, put our stations back on its lineup, and **RESUME NEGOTIATING** with KRIS-TV. Otherwise, tell Time Warner that you are changing providers. Time Warner charges you a lot of money to watch your favorite television shows. It now refuses to include the best sports, entertainment and news programming on television. Why should you pay top dollar for its service?
- You can register a complaint via the form below, and we will forward it to Time Warner. Or, call Time Warner at **(800) 222-5355**.
- Other cable and satellite operators will continue to provide KRIS-TV, including Grande Communications (**www.grandecom.com** or **361-334-4600**), Dish Network (**www.dishnetwork.com** or **1-800-823-4929**), DirecTV (**www.directv.com** or **1-888-777-2454**), and AT&T (**www.att.com** or **1-800-288-2020**).
- All of our stations are available over the air with an antenna for free.

What is next?

- **OUR HANDS ARE TIED. THERE IS NOTHING WE CAN DO UNTIL TIME WARNER AGREES TO NEGOTIATE AGAIN IN GOOD FAITH. Tell Time Warner to resume good faith negotiations for carriage of the KRIS stations.**
- We continue to offer the most local news in South Texas as well as provide the best sports and entertainment programming on television.

FORMER COBRIDGE CUSTOMERS

Time Warner recently purchased the CoBridge system and their subscribers. We are sorry that the former CoBridge customers are now also being subjected to our dispute with Time Warner. Remember, you can receive our stations off air or via an alternative provider.

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LOCAL NEWS

Time Warner Customers Switching Providers for Super Bowl Coverage

Posted: Jan 9, 2012 5:25 PM by Rachel Cole - rcole@kristv.com



Updated: Jan 10, 2012 12:46 PM



ACTION 10 HD NEWS

Frustrations Build

Time Warner Customers Switching Cable Providers

Time Warner Custome

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Rating: 0.0 (0 votes)

CORPUS CHRISTI - It has been 19 days since KRIS Communications has heard from Time Warner Cable concerning the last offer to keep transmitting our signal, including KRIS-NBC, KAJA-Telemundo, CW-South Texas, and KDF.

We talked to customers who say they are frustrated with Time Warner Cable and are making the switch to another provider.


We spoke to people today who say they have had enough of not being able to see all of the programming that was available to them before December 13th.

The main concern of customers we spoke with is that they will not be able to see Super Bowl XLVI on Sunday, February 5th.

"We're changing from Time Warner to Grande.. basically because we miss channel 6 and my husband likes the NFL channel," says Olga Rodela.

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<http://www.kztv10.com/news/time-warner-customers-switching-providers/>

2/1/2012

KRIS President and General Manager Tim Noble, says that's what everyone needs to do.

"I'm no longer confident that a quick resolution with Time Warner is possible," says Time Noble General Manager and President of KRIS Communications.

While Olga Rodela is in the process of switching from Time Warner Cable, other customers, like John Ballard have already changed carriers.

"That's because they dropped NBC," says Ballard. He added that he has already made the switch to Grande Communications.

"The Super Bowl is only 4 weeks away and we're hearing the demand on Grande, Dish and DirecTV is so tremendous it has a 2-3 week backlog to get customers switched, so time is of the essence... if the Super Bowl is important to you, I encourage you to make the switch," says Noble.

We tried contacting Time Warner Cable locally, but there is no local representative. We also called Time Warner Cable in San Antonio, but have not heard back as of Monday afternoon.

The bottom line is the majority of customers dropping Time Warner Cable speak for themselves.

"We're going to put it toward DirecTV since Time Warner dropped NBC and CW, because those are my favorite channels," Desiree Trevino told us.

There was a convoy of DirecTV installer trucks heading into Corpus Christi Monday morning to help hook up customers before the Super Bowl.

A representative told us it should take about two weeks to get your service turned on once you place your order.

We're told a second convoy of installers may also come into town from Austin.

[For more information check out our Time Warner Cable page.](#)



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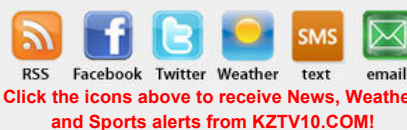
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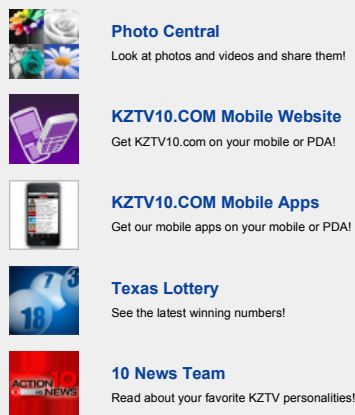
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EXHIBIT E



KRIS COMMUNICATIONS

301 Artesian, Corpus Christi, TX 78401 – 361-886-6101

Monday, January 09, 2012

Dear Corpus Christi Marketer:

As you may be aware KRIS-TV6(NBC), KDF (Independent); CW; KAJA (Telemundo) have not been carried by Time Warner Cable in the Corpus Christi Market since midnight, Monday, December 12th. Negotiations are continuing but unresolved as of this date. Please know that this retransmission negotiation does not impact KZTV-TV10 (CBS) who currently has an agreement in place with Time Warner.

We feel it is important to formally advise you at this point while negotiations continue. We need to insure that you are receiving the value you purchased. We would like to offer you the following for any under delivery of your media schedule since Tuesday, December 13th:

- Increase "make-good" weight on KRIS and/or KZTV
- Shift KRIS dollars to KZTV (KZTV remains on Time Warner)
- Suspend schedule until issue is resolved

We have agreements with DirecTV, DISH, Grande Cable and all other distributors in the market.

Time Warner covers approximately 75,220 households in Corpus Christi. That represents 36.9% of the 203,550 households in the market as reported by Nielsen in November 2011.

We would be glad to discuss this issue with you in detail. Your KRIS Communications sales representative will be in touch to hear how you would like to proceed.

We value your business and appreciate your understanding and cooperation until a new agreement has been reached.

Sincerely

Tim Noble
President & General Manager

Jim Birschbach
Director of Sales

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Attention Time Warner Cable and former CoBridge customers:

Super Bowl Now Unlikely Over Time Warner Cable Television

Time Warner Cable dropped KRIS-TV, the CW South Texas, KAJA-Telemundo and KDF. Tell Time Warner now that they refuse to negotiate to carry your favorite local and national news, entertainment and NFL football, you will switch to Grande, Dish, DirecTV or AT&T.

Updated January 26, 2012

The current situation:

- KRIS management has once again filed a complaint with the Federal Communications Commission. As most of you know, on December 13th, Time Warner dropped KRIS, KAJA, CW and KDF even though they had consent to carry our signals in the midst of retransmission negotiations. It has been more than two weeks since our last proposal to Time Warner and we still have not received a counter offer.
- KRIS management has yet to receive a bona fide counter proposal from Time Warner to the offer we sent on January 10th, 2012. We continue to wait for a substantive response from Time Warner on several key points that prevent us from reaching an agreement that is fair to both sides.
- Time Warner has yet to address the issues that forced us to file a complaint with the Federal Communications Commission in Washington, DC on January 13th, 2012. In order to protect local viewers from continued disruption, KRIS has asked the FCC to find that Time Warner has negotiated in bad faith with KRIS Communications in its attempts to reach a new agreement to carry our 4 stations. The filing urges the FCC to order Time Warner to return to the negotiating table and negotiate in good faith to bring these stations back to the viewers of Corpus Christi.
- Time Warner has now stopped negotiating in good faith with KRIS to reach an agreement to carry KRIS-NBC, The CW South Texas, KAJA-Telemundo and KDF. KRIS management continues to wait for a response reflective of market conditions for payment of its content. The Time Warner representatives - based in New York City, not Corpus Christi - remain unrealistic with their offers towards a new agreement. In fact, their latest offer has driven us further apart.
- Time Warner dropped our stations on December 12th, 2011, even though they had consent to carry our signals while we tried to reach a deal.
- **TIME WARNER** pulled the plug on **THEIR** customers for Dallas game and Texans playoff game - **NOT KRIS**. As we have been telling viewers, **Super Bowl XLVI on KRIS-NBC is now UNLIKELY TO BE SEEN BY TIME WARNER CUSTOMERS TRYING TO WATCH ON TIME WARNER CABLE TELEVISION.**
- Time Warner **CLAIMS** to care about sports. **REALLY?** Then how come they don't carry the **NFL Network** or the **Longhorn Network**? Grande does.
- **MAKE PLANS TO SWITCH NOW!** Time is running out for you to change before **Super Bowl XLVI on February 5th**. Other local providers are indicating a two to three-week backlog on new installations. To make the switch in time for the Super Bowl, call Grande Communications (www.grandecom.com or 361-334-4600), Dish Network (www.dishnetwork.com or 1-800-823-4929), DirecTV (www.directv.com or 1-888-777-2454), or AT&T (www.att.com or 1-800-288-2020). Also, KRIS-NBC is always available over the air with a VHF antenna.

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H.S. Boys Basketball-West Oso 65 Miller 60



Jesse De La Cruz-Nationally Ranked Bodybuilder



Calallen Baseball Ranked Number One



Pothole Patrol: Flato Road

What are the facts?

- The carriage terms we offered Time Warner Cable are consistent with what other operators pay broadcasters across the country, and reflects fair compensation for our programming.
- Our offer is below what Time Warner Cable pays for other cable networks with viewership far lower than that of KRIS-NBC, the CW South Texas, KDF, and KAJA-Telemundo.
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- KRIS-TV's carriage agreement with Time Warner expired on December 12, 2011. Time Warner is no longer interested in carrying our stations. **WHY? You'd have to ask Time Warner. Call them at (800) 222-5355.**
- KRIS-TV granted Time Warner consent to continue carrying all of its stations. Time Warner dropped us anyway. On December 13, 2011, Time Warner dropped KRIS-NBC, CW South Texas, and KDF.

What is the problem?

- KRIS-TV and Time Warner are negotiating a new long-term carriage agreement. Time Warner does not want to pay fair value for our programming.
- KRIS-NBC, the CW South Texas, and KDF offer some of the highest rated, most popular programming on Time Warner's cable system.
 - o **KRIS-TV** provides the most local news of any station in South Texas. It also includes **Sunday Night Football**, the Today Show, **two NFL Wildcard Playoffs**, the Super Bowl, the Tonight Show, and NBC's primetime programming including The Biggest Loser.
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What can I do?

- Tell Time Warner to stop playing games, put our stations back on its lineup, and **RESUME NEGOTIATING** with KRIS-TV. Otherwise, tell Time Warner that you are changing providers. Time Warner charges you a lot of money to watch your favorite television shows. It now refuses to include the best sports, entertainment and news programming on television. Why should you pay top dollar for its service?
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- **OUR HANDS ARE TIED. THERE IS NOTHING WE CAN DO UNTIL TIME WARNER AGREES TO NEGOTIATE AGAIN IN GOOD FAITH. Tell Time Warner to resume good faith negotiations for carriage of the KRIS stations.**
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FORMER COBRIDGE CUSTOMERS

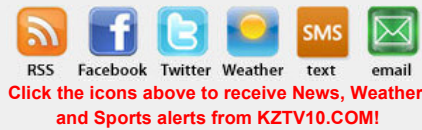
Time Warner recently purchased the CoBridge system and their subscribers. We are sorry that the former CoBridge customers are now also being subjected to our dispute with Time Warner. Remember, you can receive our stations off air or via an alternative provider.



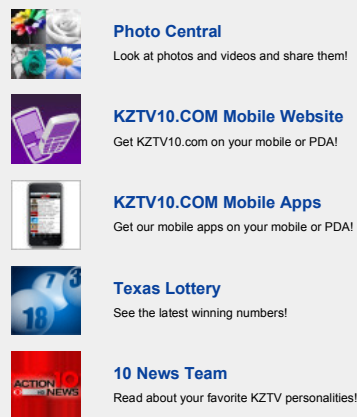
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Please call Time Warner for more details at 800-222-5355.

TIME WARNER CABLE COMPLAINT FORM

Simply fill out the form below and your comments will be forwarded appropriately.

Name *

E-Mail Address *

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Comments *



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Your feedback is important to us! Give us feedback about our news or send us a story idea at newsroom@kristv.com or you can send your comments directly to the folks that can answer your question or act on your suggestion:

President/General Manager - Tim Noble: tnoble@kristv.com
 News Director - Sandra Richards: srichards@kristv.com
 Chief Engineer - Steve West: swest@kristv.com
 Director of Sales - Jim Birschbach: jbirschbach@kristv.com
 Internet Sales Director - Arlene Warden: awarden@kristv.com
 Director of News Brands and Marketing - Barbara Beresford: bberesford@kristv.com
 Interactive Operations Specialist - Andrew Lesh: alesh@kristv.com

Lee Sausley: lsausley@kristv.com
 Jennifer Lira: jlira@kristv.com
 Dave Froehlich: dfroehlich@kristv.com
 Janine Reyes: jreyes@kristv.com
 Melissa Schroeder: mschroeder@kristv.com
 Mitch Bryan: mbryan@kristv.com
 Lindsay Curtis: lcurtis@kristv.com
 Mike Manzoni: mmanzoni@kristv.com
 Rachel Cole: rcole@kristv.com
 Mia Gordon: mgordon@kristv.com

Dale Nelson: dnelson@kristv.com
 Matt Terhune: mterhune@kristv.com
 Dave Fraser: dfraser@kristv.com

Tyler Garrett: tgarrett@kristv.com
 Jason Notoras: jnotoras@kristv.com

Contact KRIS Communications

Street Address
 KRIS Communications
 301 Artesian Street
 Corpus Christi, TX 78401

Mailing Address
 KRIS Communications



VIDEO ON DEMAND



Matt's Wednesday Morning Forecast



Candlelight Vigil Held for Beloved Teacher



TXDOT Plans to Make Big Improvements to Weber Road



Road Rage Trial



HS Boys Hoops: West Oso 65, Miller 60



CLOSED CAPTIONING CONTACT INFO

For Closed Captioning Concerns Please
Contact Our Captioning Hotline:

Phone: 361-886-6153
Fax: 361-885-3777
Email: swest@kristv.com

Written Closed Captioning Complaints
Should Be Directed to the Following:

Mr. Steve West
Chief Engineer
KRIS Communications
301 Artesian Street
Corpus Christi, TX 78401
Phone: 361-886-6153
Fax: 361-885-3777

Before sending a formal written complaint, we recommend you first contact our captioning hotline. We may be able to resolve your problem immediately without the need for a formal complaint. In any event, we will respond to your complaint within 30 days.

KRIS-TV JOBS

Texas A&M Corpus Christi Job Fair Next Monday

January 27, 2012

CORPUS CHRISTI - Dozens of recruiters for local businesses will be on hand for a jobs fair at Texas A&M Corpus Christi on Monday, January 30th. District 27 Rep. Blake Farenthold stopped into the KRIS Noon show to promote the event taking place inside the University Center's Lonestar Ballroom... more »

Television Operations Technician

January 26, 2012

CORPUS CHRISTI - KRIS Communications has a full-time Television Operations Technician position available. Audio/CG Operator - Full time job available operating Logitek Audio board and Character Generator for fast-paced Newscast. Familiarity with computers is essential. Good typing and spelling skills needed. Must be dependable, able to work flexible schedule,... more »

Interactive Deals Salesperson

January 23, 2012

CORPUS CHRISTI - KRIS Communications has a full-time Interactive Deals Salesperson position available. Position Description: Interactive Deals Salesperson (IDS) Reports To: Interactive Director Position Level: Sales Executive Summary: The Interactive Deals Salesperson (IDS) is responsible for driving digital revenue and achieving monthly revenue budgets through the... more »

Interactive Account Executive - Medical

January 23, 2012

CORPUS CHRISTI - KRIS Communications has a full-time Interactive Account Executive position available. Reports To: Interactive Director Position Level: Sales Executive Summary: The Interactive Account Executive-Medical will drive revenue by selling interactive marketing solutions primarily to local medical/health care providers and facilities. Specific Responsibilities: The IAE-m... more »

Television Operations Technician

January 9, 2012

CORPUS CHRISTI - KRIS Communications has a part-time Television Operations Technician position available. Job Description: Studio Camera/CG Operator - Part time job available operating Studio Camera and Character Generator for fast-paced Newscast. Familiarity with computers is essential. Good typing and spelling skills needed. Must be dependable, able to work... more »



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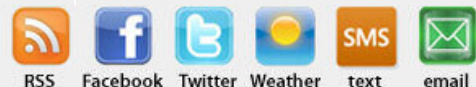
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Local Attorney Sues Time Warner Cable

Mother Arrested for DWI with Child in Car

Couple Testifies Defendant's Road Rage Caused Accident

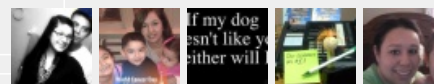
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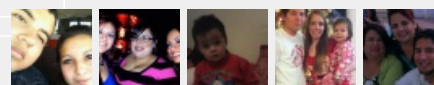
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Television Operations Technician

December 8, 2011

CORPUS CHRISTI - KRIS Communications has a full time Television Operations Technician position available. Job Description: Director/Editor - Full time job available operating a Ross Vision switcher for a fast-paced Newscast. Candidate must have two or more years of professional experience in television production. Directing experience is preferred. ... more »

Broadcast Engineer

October 31, 2011

CORPUS CHRISTI - KRIS Communications is looking for a Broadcast Engineer to maintain and install station equipment. Responsibilities include maintaining audio/video broadcasting equipment, computer equipment, EAS receive and transmit equipment; ensuring all transmissions adhere to FCC regulations, industry standards, and guidelines. We are seeking a skilled television engineer with... more »

Reporter / Multi-Media Journalist

August 3, 2011

QUALIFICATIONS: KRIS Communications in Corpus Christi, Texas is looking for a multi-talented individual. At least one year of professional television reporting experience is preferred. Ability to use non-linear editing systems necessary. Bilingual in Spanish is a plus. JOB DESCRIPTION: Successful candidate will shoot, write and edit their own stories.... more »

Account Executive

May 16, 2011

Unique Local Television & Internet Sales Opportunity Unique opportunity for a talented media sales professional to sell across the 3 platforms of TV, Internet and mobile. There are 7 media properties among those 3 platforms; NBC, CBS, Telemundo, KDF (local independent with NBA-Spurs, NFL-Cowboys & Texans, syndication, news, etc.), CW-South... more »

KRIS Communications EOE Policy

September 2, 2004

EQUAL OPPORTUNITY POLICY KRIS Communications is an equal opportunity employer. Equal opportunity in employment is afforded by Television Station, KRIS, KDF, KAJA, to all qualified persons, and no person shall be discriminated against in employment because of race, color, religion, age, sex, national origin or disability. The cooperation of... more »



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5, 6, & 10 Anchor



5, 6, & 10 Anchor



Sunrise & Noon Anchor



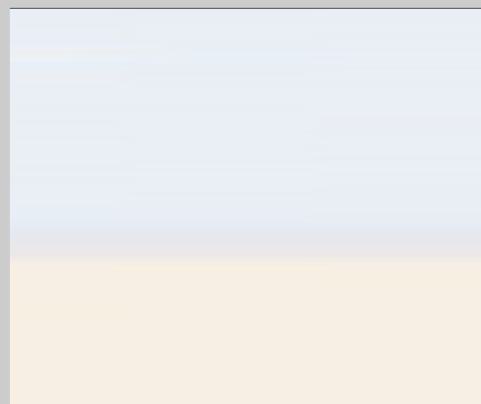
Sunrise Anchor / Multi-Media Journalist



Weekend Anchor / Multi-Media Journalist



DOPPLER 10 WEATHER TEAM



VIDEO ON DEMAND



Matt's Wednesday Morning Forecast



H.S. Boys Basketball-West Oso 65 Miller 60



Jesse De La Cruz-Nationally Ranked Bodybuilder



Calallen Baseball Ranked Number One



Pothole Patrol: Flato Road

Chief Meteorologist



Sunrise & Noon Meteorologist



Weekend Meteorologist



ACTION 10 SPORTS TEAM

Sports Director



Weekday Sports



Weekend Sports



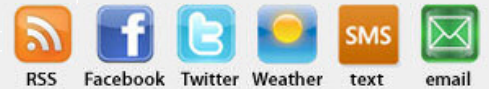
ACTION 10 NEWS MULTI-MEDIA JOURNALISTS



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Do you have a tip or information about a breaking news story? Contact the KZTV 10 News Desk at **361-883-7070 x151** or send us an email.

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MANAGEMENT

Tim Noble	President/General Manager	email	Phone: 883-7070
Sandra Richards	News Director	email	Phone: 886-6173
Steve West	Chief Engineer	email	Phone: x1650
Jim Birschbach	Director of Sales	email	Phone: x6131
Arlene Warden	Internet Sales Director	email	Phone: x6113
Barbara Beresford	Director of News Brands and Marketing	email	Phone: x6147
Sherry Lemerond	Director of Programming and Traffic	email	Phone: x1686
Andrew Lesh	Internet Content Manager	email	Phone: x6148
Anthony Gloria	IT Manager	email	Phone: x108

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CERTIFICATE OF SERVICE

I certify that on this 1st day of February, 2012, I caused the foregoing Opposition and Answer of Time Warner Cable Inc. to Petition for Finding of Bad Faith Retransmission Consent Negotiations to be served by first-class mail on the following:

William T. Lake
Chief, Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Suzanne M. Tetreault
Acting Chief, Enforcement Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Michelle Carey
Deputy Chief, Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Nancy Murphy
Associate Chief, Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Mary Beth Murphy
Chief, Policy Div., Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Steven A. Broeckaert
Deputy Chief, Policy Div., Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Ronald Parver
Assistant Chief, Policy Div., Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Kevin P. Latek
Dow Lohnes PLLC
1200 New Hampshire Avenue, NW
Suite 800
Washington, D.C. 20036
*Counsel for KVOA Communications, Inc.
and Cordillera Communications, Inc.*

/s/ Matthew A. Brill
Matthew A. Brill
Counsel for Time Warner Cable Inc.